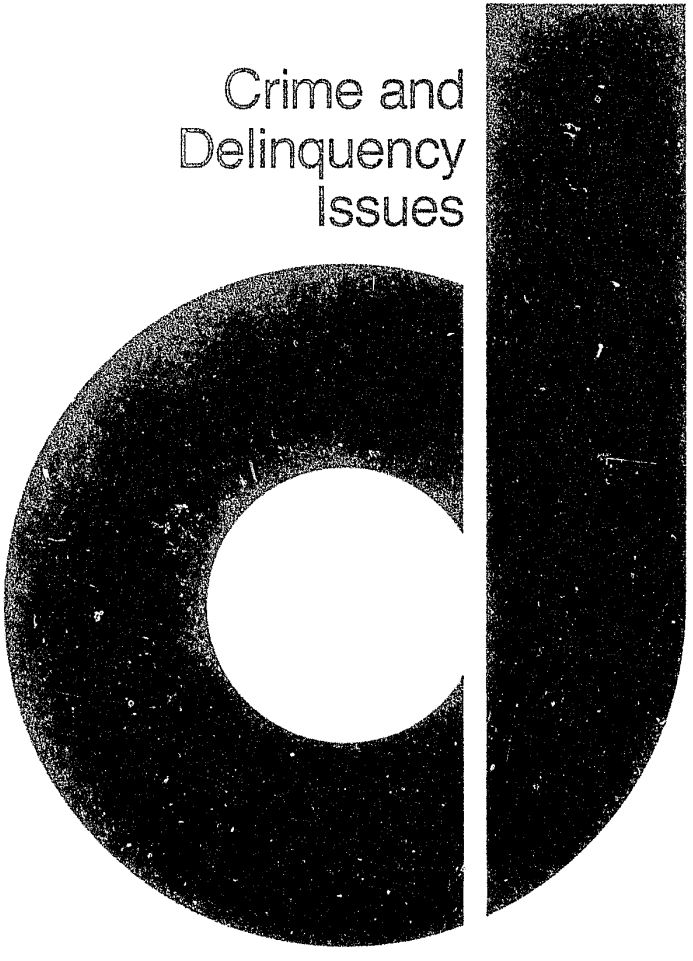
Observing the Law: Applications of Field Methods to the Study of the Criminal Justice System

Crime and Delinquency Issues



NATIONAL INSTITUTE OF MENTAL HEALTH

Crime and Delinquency Issues:

A Monograph Series

Observing the Law: Applications of Field Methods to the Study of the Criminal Justice System

by
George J. McCall, Ph.D.
University of Missouri
St. Louis

National Institute of Mental Health
Center for Studies of Crime and Delinquency
5600 Fishers Lane
Rockville, Maryland 20852

This monograph is one of a series on current issues and directions in the area of crime and delinquency. The series is being sponsored by the Center for Studies of Crime and Delinquency, National Institute of Mental Health, to encourage the exchange of views on issues and to promote indepth analyses and development of insights and recommendations pertaining to them.

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FOREWORD

This monograph is the first of the continuing NIMH series "Issues in Crime and Delinquency" to focus specifically on methods which may be used to learn about the complex phenomena of crime and delinquency. *Observing the Law: Applications of Field Methods to the Study of the Criminal Justice System* is not, however, a handbook of research methodology. Rather, Dr. McCall attends to further developing the various field techniques, then indicates how these may be used in studying all facets of the criminal justice system.

Field approaches concentrate on understanding behavior within the context in which it occurs and in terms of the meanings of that context for the individuals involved. Thus, on one level, use of the field method facilitates an appreciation of the roles of criminal and victim, police, the courts, and the corrections systems. Additionally, field approaches shed much needed light on the settings *per se* in which the behavior takes place. Application of field methods to studies of the criminal justice system is likely to yield findings which may be formulated for more rigorous testing. Similarly, data generated through the field approach, if creatively handled, may lead to new conceptions regarding crime and delinquency.

As the author notes, observational studies of crime do pose unusual, though not insurmountable, research problems. The benefits of resolving and adapting to these problems encompass rich and, for the most part, untapped sources of information.

In order to provide the author full freedom to develop this monograph, no detailed specifications were set in advance and no substantive changes or major editorial revisions have been made during the publication process. The views expressed are those of the author; the Center for Studies of Crime and Delinquency is pleased to make them widely available to further needed discussion and research on this topic.

SALEEM A. SHAH, PH.D., *Chief*
Center for Studies of Crime
and Delinquency
National Institute of Mental Health

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GEORGE J. MCCALL
University of Missouri at St. Louis

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CHAPTER 1

The Nature of Field Methods

Social research, such as the study of crime and criminal justice (or delinquency and juvenile justice), may be pursued through a variety of useful methods of data collection and may assume various legitimate forms. The researcher may operate within a laboratory, experimenting with neurochemical agents related to aggression or with the social composition of mock juries. He may choose to conduct his researches within a clinic or testing center, administering psychological tests or conducting depth interviews. Alternatively, he may obtain a desk in a file room to analyze court records, may mail out questionnaires or administer them in university classrooms, or may haunt the library in conducting a critical confrontation among scholarly reports or governmental statistics.

All these activities represent venerable and valuable forms (or aspects) of social research and comprise the backdrop for the present monograph. The concern here is with forms of social research which take the researcher out of these familiar academic settings into the field, i.e., into settings where he lacks natural authority but where the people he is studying find it natural for them to be engaged in meaningful activity.

The study of crime and criminal justice has a long and diverse history of field research in this sense. The aim of this monograph is to review the range of existing field methods in social research and to describe or suggest some applications of these methods, techniques, and research designs to the study of selected topics or problems in crime and the criminal justice system.

In order to be here regarded as an instance of field method, a study (whatever other activities it may include) must be based in some significant part on data collection activity that involves direct researcher contact with subjects in the field and in relatively natural social situations.

Beyond these defining features, field studies exhibit enormous diversity of aims and forms, defying any easy stereotypes or classifications. Field research may be undertaken to evaluate programs or to investigate substantive or theoretical problems. Under

the rubric of substantive/theoretical research, field studies may aim to answer descriptive questions, to pose explanatory questions, or to test defined hypotheses. The subject matter of such studies might be cultural meaning systems, individual behaviors, social actions, or features of social organization.

In relation to social science theory, field studies may be inductive and theory-generating, or they may be deductive and theory-testing. Their research designs may be largely emergent or highly prestructured. The approach to the variables under study may be naturalistic, employing concepts endogenous to the culture of the organization being studied, or it may be scientistic, employing abstract theoretical concepts exogenous to that culture. The data collected may be qualitative narratives of incidents or rigorously quantified scale scores, and data analysis strategies may be qualitative or highly statistical. Field studies may be conducted by a lone researcher at a single site or, at the other extreme, by a large-scale research organization at numerous sites with national or international scope.

While all these aims and forms of field study are not entirely independent, the possible distinctive combinations are quite numerous. In the discussion to follow, some guidelines to the shape and utility of various combinations are offered.

METHODS OF DATA COLLECTION

Since certain characteristics of data collection activity serve to mark a study as representing an instance of field method, it may be well to initially review the uses of various methods of data collection commonly employed in social science research.

Direct Observation

Perhaps the one method of data collection most widely associated with field research is that of direct observation. While direct observation is frequently important in field research, the method is also heavily employed in laboratory and clinical research, where many technical developments in observation have been invented. In field research, direct observation is the collection of empirical data concerning behavior, interaction, or social organization through more or less disciplined processes of looking at and listening to the conduct of relevant organisms within the

context of their indigenous settings. The disciplined processes referred to are those of selecting, recording, and encoding certain features of conduct and setting.

Since observation means "planned, methodical watching that involves constraints to improve accuracy" (Weick 1968, p. 358), the process of selecting those features to be watched (or watched for) is the heart of observational method. The span of an observer's attention is far too narrow to allow very many features of an ongoing scene to enter his consciousness. He must have a plan, explicit or implicit, that dictates which features of the scene he will be watching (or watching for). The more explicit the plan is, the more systematic the resulting observation.

This selective noticing of features must then be carried through to their selective noting or recording. That is, what the observer so planfully notices must be planfully recorded, so that these observed facts may be subjected to scientific analysis at some later time. In many studies these facts will be recorded literally as notes, written accounts of the selected facts, often in a narrative form (Smalley 1960).

Prior to analysis of the observed facts, the records containing them must be simplified, reduced, and transformed so that the analyst can more easily grasp the relations among these facts. The facts contained in the records must be encoded, whether through categorization, rating, or counting. *Encoding* may precede or follow recording. If it precedes, the recording is then conducted through use of precoded categories, marking or otherwise noting the code for that category. Such precoded recording is associated with the more explicit plans for selecting features to be noticed. Thus, in the most systematic forms of field observation, the observer's plan for watching (or watching for) selected features is itself based upon the preestablished code.

Typically, such systematic forms of observation employ a schedule of observational items, of either the category-type or the sign-type. Category codes:

> limit the observation to one segment or aspect of . . . behavior, determine a convenient unit of behavior, and construct a finite set of categories into one and only one of which every unit observed can be classified. The record obtained purports to show, for each period of observation, the total number of units of behavior which occurred and the number classifiable in each category.

Sign codes:

> list beforehand a number of specific acts or incidents of behavior which may or may not occur during a period of observation. The record will show which of these incidents occurred during a period of observation and, in some cases, how frequently each occurred. (Medley and Mitzel 1963, pp. 298–299.)

With category codes, the observer is watching; with sign codes, he is watching *for*.

A wide variety of techniques for selection, recording, and encoding have been developed in the social sciences. Only a fraction of these can be explicated in the chapters to follow; many others are described or cited in the standard literature on observational methods (e.g., Weick 1968; Medley and Mitzel 1963; Wright 1960; Whyte 1951; Whiting and Whiting 1970).

For obtaining certain types of data, direct observation is virtually indispensable. For example, people perform many behaviors of which they themselves are largely unaware but which may be studied by a trained observer. In other cases, the actors may be inchoately aware of certain behaviors or facts but lack the concepts and vocabulary necessary to communicate these facts to a researcher. Observation is also especially valuable when the actors will not, rather than cannot, communicate relevant facts; deviant acts, for example, are often more readily observed than discussed. Similarly, where the actors are strongly motivated to distort information (e.g., to justify their own behaviors or to elevate their own status), direct observation may be more useful than interviewing. Finally, where it is the *absence* of some phenomenon from a scene that is critical for the researcher's interest, such an absence should not be inferred from the failure of interviewees to mention the phenomenon, since they may not have observed or reported it even though it was indeed present. Here again direct observation is preferable.

Of course, some matters are not as fruitfully studied by means of direct observation. Many events, such as lynchings and earthquake disasters, occur so infrequently and unpredictably that waiting for them to happen within range of the observer is simply not productive. Other events, such as strategic military decisions, take place in settings from which the observer is prohibited. Still others have taken place in the past, before the observer began his study, or will only occur in the somewhat distant future; direct

observation is inextricably bound to the present. Certain events and objects prove to be so ambiguous, complicated, tentative, or opaque that the observer cannot be certain of the meaning of what he has himself observed. Under all these circumstances, other methods may be more profitably employed. Further, the known presence of the observer sometimes leads subjects to alter their natural behavior patterns. This "reactive effect" engenders distortions in observational data. In such a circumstance, the researcher must resort to unobtrusive observation or to some nonobservational method of data collection (Webb et al. 1966).

Interviewing

Although observation is the method most popularly associated with field research, it is undoubtedly the case that fewer field studies omit interviewing than omit observation. Interviewing is the collection of empirical data on human affairs through processes of planned, methodical talking with people that involve constraints to improve the accuracy of the information obtained. As in observation, the processes of selecting, recording, and encoding certain features of what is heard to count as data are central aspects of interviewing. Indeed, many of the techniques involved are identical to those employed in observation. The critical difference between observation and interviewing is that interviewing much more centrally relies on a process of *eliciting* utterances of the sort marked out for special attention in the researcher's explicit or implicit plan for listening to his subjects' talk.

Most of the technical developments in interviewing represent tactics of social interaction with subjects that are designed to better elicit (precipitate, or provoke) the selected utterances. The standard literature on interviewing contains ample explication of these techniques, which extend beyond the scope of this monograph (e.g., Richardson, Dohrenwend, and Klein 1965; Gorden 1969; Kahn and Cannell 1957; Payne 1951).

Two forms of interviewing are of special importance to field research: informant and respondent interviewing.

Informant interviewing (Richardson, Dohrenwend, and Klein 1965; Mead and Metraux 1953; Osgood 1940) is the collection of information about external events or structures from interviewees (informants), essentially utilizing these informants as surrogate observers. This method is frequently employed to obtain infor-

mation about events that occur infrequently or are not open to direct observation by the researcher. Informant interviewing is also an economical means of learning the details and meaning of highly institutionalized practices and norms with which the informant is familiar by dint of considerable experience. In this case, where institutionalization is sufficiently firm that all knowledgeable informants contacted by the researcher are in almost complete agreement among themselves, the interviewer needs only a few well-chosen cases rather than the whole population relevant to that pattern (Zelditch 1962).

Respondent interviewing is the collection of information about the personal feelings, attitudes, motives, actions, and habits of the interviewee (respondent). Here it is the person rather than the event that is of interest to the researcher. When persons are thus the focus, it is usually because of variability in phenomena rather than institutionalized sameness; therefore, one cannot safely interview just a few persons but must interview all of them in a particular category or a sample of them from which one can justifiably describe the entire category (Zelditch 1962).

In general, interviewing of either type is more flexible than observation, allowing the researcher to circumvent the barriers of time, space, closed doors, and the curtain of subjectivity. Moreover, interviewing is usually more economical since any number of topics can be covered in a short span of time, whereas the observer can only wait and watch through many irrelevant events in hopes that those pertinent to his interests will soon transpire. Thus, the observer typically lacks that degree of control over the sequence and timing of his information gathering that the interviewer enjoys by virtue of his elicitation techniques. As noted above, however, under some circumstances the observer's patience, like that of the tortoise, enables him to attain certain objectives denied the interviewer, for all his hare-like pace.

Unlike observation, in interviewing the subjects are always aware of the researcher's presence (though not necessarily of his role), which awareness may exert a reactive effect on the subjects' responses. Recourse to less obtrusive methods of data collection may be necessary under such circumstances (Webb et al. 1966).

Tests and Questionnaires

Questionnaires are essentially a literate version of respondent interviews (Oppenheim 1966). Rather than conversationally asking questions and listening to responses, the researcher submits written interrogatories to respondents, who in turn write out (or check off) their responses. The chief advantage of the questionnaire is its economy. A single researcher can simultaneously administer a questionnaire to a large group of respondents or can mail out any amount of questionnaires. A second advantage is the greater possibility of assuring respondent anonymity.

Paper-and-pencil tests closely resemble questionnaires and share their advantages. However, tests are constructed so that the constituent items are *scored,* whereas questionnaire items are *encoded.* The aim of a test is to arrive at a score for an individual, rather than simply an inventory of information about him. Tests are designed for *measurement* of some ability, knowledge, attitude, or disposition, rather than for gathering discrete bits of information. Of course, not all tests are of the paper-and-pencil variety; many even require pursuit of some physical task (Cronbach 1960). Moreover, tests frequently may be imbedded within questionnaires, respondent interviews, or observational settings.

Generally speaking, questionnaires and paper-and-pencil tests play a small role in field studies, most frequently as a supplemental adjunct to the respondent interview, in which these written interrogatories are left by the interviewer with the respondent to be completed and returned at the respondent's convenience in order to shorten the interview time. The principal reason for this lesser role is that, no matter how carefully designed, such paper-and-pencil tests carry much less assurance than the interview that the respondent properly understands the questions, that his responses will be full and material, or that the researcher will correctly interpret the sense and meaning of those responses. Moreover, the use of such written instruments requires a reasonably high degree of literacy and dedication on the part of respondents. Finally, paper-and-pencil self-report instruments necessarily apprise the subjects that they are under study, an awareness that may exert a reactive effect on their responses (Webb et al. 1966).

Analysis of Records

Not all data collection requires direct contact with the subjects of a study—visual, conversational, or through correspondence. In the course of their natural functioning, persons and organizations generate a great many records or traces of their behaviors.

The resourceful researcher can glean a great deal of pertinent information from the analysis of these records.

Documents represent one important class of records. Ours is a documentary society, blessed or beset with a wide range of institutions whose purposes entail generating bits of paper recording an enormous variety of social information.

Public documents, such as journalistic accounts, archives, and official statistics and reports, can be used much like informants to establish facts about events which the observer could not or did not observe directly (Angell and Freedman 1953; Webb et al. 1966, pp. 53–111; Holsti 1969). Often such documents are superior to informants in that official reports and statistics cover matters beyond the awareness of a particular informant, are based on regularized procedures often under external audit, are more precise than an informant's memory, and may extend farther into the past than any living informant. Typically, of course, the views conveyed by such documents are partisan or merely official views, but these are often important data in themselves, and, in any case, those imparted by informants may be no less partisan or official.

More private documents, such as diaries, letters, and life histories, are sometimes employed to obtain data much like those of respondent interviewing, such as personal characteristics, states, and actions (Allport 1942; Gottschalk, Kluckhohn, and Angell 1945).

Nonliterate records, or *traces*, can also yield important information. Press or personal snapshots, film clips, and tape recordings can be especially valuable, but researchers have also made good use of floor-tile erosion, the contents of garbage cans, dial settings of car radios, and finger smudges on the pages of library books (Webb et al. 1966, pp. 35–52).

Crosscutting both documents and traces is the classification of records into those existing independent of the researcher and those elicited by him for the purposes of study.

Existing records exhibit a distressing tendency to be incomplete, unsystematic, and tantalizingly tangential. The researcher can exert little control over selection or recording of information and can only select from among that information which happened to have been selectively recorded. Unlike informants and respondents, existing records cannot be probed and cajoled in an attempt to overcome these deficiencies.

Although without being able to reach into the past, *elicited records* can be carefully designed and edited to render the resulting

records more complete, systematic, and material to the purposes of a given study. Agency forms can be revised and their use supervised by the researcher in collaboration with the agency (Glaser 1973*b*). Structured formats for diaries and life histories can be imparted to cooperating subjects (Langness 1965; Zimmerman and Wieder forthcoming). The researcher can make his own photographs, movies, videotapes, and tape recordings (Collier 1967; Michaelis 1955). He can install his own hidden hardware to secure physical tracings of sound or movement levels, entries and exits, and thumbing of magazine pages (Webb et al. 1966, pp. 142–170).

Whether documents or traces, existing or elicited, such records must not be confused with data. As in direct observation, interviewing, or the use of questionnaires, records must be reduced, simplified, and transformed through a process of encoding in order to generate usable data. The difficulty and expense of this process should never be overlooked or underestimated.

Analysis of existing records is ordinarily the least reactive of all methods of data collection, since traces and documents cannot alter their informational content in reaction to researcher interest. However, proprietors of traces (such as garbage cans) or of documents (such as governmental files) may react to expressions of researcher interest in these records by systematically eliminating or altering records or by renewing the vigor and formal adequacy with which documents are compiled.

Applying Methods of Data Collection

A researcher may obtain information on a person's age through a variety of methods—estimation from visual appearance, asking the person, asking an acquaintance of the person, sending the person a questionnaire, radiologically testing the person's bones and teeth, looking up his draft records, or finding a time-dated photographic print of the person. Indeed, with sufficient ingenuity and good fortune, any of the methods of data collection described here can be made to yield information on any aspect of human affairs.

How is the researcher to select a method for obtaining a given type of information in a particular study? Richardson, Dohrenwend, and Klein (1965, pp. 21–31) suggest that the decision involves weighing one method against another in terms of four basic criteria: information accessibility, economy of the re-

searcher's resources, accuracy, and informational relevance. Webb et al. (1966) amplify these criteria and emphasize the importance of nonreactivity as an additional criterion warranting some trade-off with the other four criteria. Selection of a method of data collection is, thus, a matter of rather searching and concrete comparison of alternatives with regard to multiple criteria.

Some very general guidelines can be suggested, however. Information on physical and social *settings* is usually best obtained through direct observation or informant interviewing. Information on *personal characteristics* (e.g., biographical data, social positions, possessions) generally best lends itself to respondent interviewing and questionnaires. However, personal traits, skills, and abilities are brought out best by tests, personal appearance features by direct observation, and social status by informant interviewing.

Subjective states of persons (e.g., motives, intentions, attitudes, values, goals, feelings, opinions, beliefs, wants, judgments, interpretations) are usually best studied through respondent interviewing, questionnaires, and paper-and-pencil tests.

Behaviors (e.g., posture, gestures, paralinguistic features, sequences of movements) are best studied through direct observation or the analysis of audiovisual recordings.

Actions, the larger-scale, intentional behaviors of persons, are also best studied through direct observation or audiovisual traces, but respondent and informant interviewing, as well as documents, can also provide some types of information.

Large-scale *events* or happenings (such as riots, disasters, crowd celebrations) may be studied by direct observation but frequently require a good deal of informant and respondent interviewing as well.

Culture (norms, concepts, rules, practices, conventions, occasions, shared beliefs and values) is usually studied primarily through informant interviewing. *Social organization* (the patterns through which the lines of action of several actors are fitted together) generally requires the use of some direct observation, informant and respondent interviewing, and the analysis of documents.

ELEMENTS OF RESEARCH DESIGN

When the researcher has selected a method (or methods) for collecting his data, several decisions still confront him prior to his undertaking data collection. These may be categorized as

sampling decisions, measurement decisions, and error control decisions.

Sampling

The researcher interested in police conduct in the United States faces a good many choices in selecting that police conduct on which he will actually collect data. Which police departments shall he study? Within a department, which operational divisions shall he select? Within such a division, on which policeman's conduct will he actually collect data? In which of the many settings within which these policemen operate? At which of the distinctive times of the day, week, month, year, career, or history? On which features of these organizations, settings, and the contained conduct shall he collect his data?

Many of these choices are, in practice, largely constrained by the opportunities and resources at the researcher's disposal. Within these limits, the choices will be further constrained by the interests of the researcher and the purposes of his research. Where any of these choices are made (or simply faced) without benefit of deliberate selection procedures, the researcher must be prepared to at least describe his de facto choices and to understand the limits they place on the generalizability of his resulting data. Wherever possible, he should make use of some deliberate selection procedure.

A wide variety of selection procedures is available and well documented in the literature on sampling (Kish 1965; Cochran 1953; Hansen, Hurwitz, and Madow 1953; Slonim 1960). Nonprobability sampling procedures include accidental sampling, quota sampling, and purposive sampling. Major forms of probability sampling procedures include simple random sampling, stratified random sampling, and various types of cluster sampling. Other important sampling procedures, such as systematic sampling and certain types of cluster sampling, represent combinations of probability and nonprobability procedures. Certain classes of objects pose distinctive sampling problems, such as time units (Brookover and Back 1966) and informants (Honigmann 1970).

Measurement

The key measurement decision is that of carefully selecting which features (variables) the researcher will collect data on.

Which variables will he measure? For which units? When shall these measurements be made?

The remaining measurement decisions concern how each of these measurements is to be made. Many measurements are simply codes, such as race (black or white) or sex (male or female). Codes of this sort are said to represent only nominal (or categorical) measurement. In other cases, a feature is conceived as something that can vary in degree or quantity, not simply in kind. An ordinal measurement procedure establishes, for any two objects, which of them has more of this feature. An interval measurement procedure establishes how much more of this feature one of them has. A ratio measurement procedure establishes how many times more of it one has compared to the other object. For each variable, the researcher must decide which type (or level) of measurement is required for his purposes.

Ordinal, interval, and ratio measurements are obtained through the use of tests (not necessarily of the paper-and-pencil type). Such tests ordinarily consist of a number of items, the responses to which are combined (or scaled) to generate a score on a given variable. Diverse technical procedures are employed to select these items and to scale them so that the desired level of measurement is obtained (Cronbach 1960; Nunnally 1967; Torgerson 1958).

Error Control

None of the methods and procedures discussed here is infallible. Data obtained through their use will always contain some errors. Consequently, the researcher must take some steps to assure himself (and the consumers of his research) that these errors are neither too numerous nor damaging to his conclusions.

Error of various sorts may occur in the process of measurement, so that factors other than the true state of the feature being measured influence the scores obtained. The researcher must determine that his measurement procedures are reliable, i.e., produce stable and objective scores. He must also determine that his procedures are valid, i.e., reflect the true state of the feature he seeks to measure (Webb et al. 1966, pp. 12–34). Suitable techniques exist for assessing and enhancing reliability and validity and for sorting out the various sources of measurement error (Nunnally 1967; Medley and Mitzel 1963; Lord and Novick 1968; Alwin 1974).

Even with quite accurate measurement procedures, the data obtained in a study may be biased and misleading because of quirks in the sampling of objects to be measured. If this sampling is not representative, the obtained data will present an inaccurate picture of the state of affairs in the larger universe from which those objects were sampled. Through techniques associated with probability sampling, such sampling error can be assessed and controlled with considerable precision (Kish 1965; Cochran 1953; Hansen, Hurwitz, and Madow 1953; Slonim 1960).

Very often research shows how two variables are related to one another. In such cases, factors beyond those of measurement error and sampling error can lead to erroneous or misleading depiction of such a relationship. Some of these factors are quite ubiquitous (D. Campbell 1957), while others are more contingent, affecting only certain variables in rather particular ways. One device for reducing this confounding of a relationship is the use of control (or comparison) groups together with statistical techniques of controlling effects of extraneous factors (Rosenberg 1968). The second major device is the use of randomization together with direct (experimental) manipulation of extraneous factors (D. Campbell and Stanley 1963, pp. 13–34).

TYPES OF RESEARCH DESIGN

The carefully constructed combinations of decisions concerning sampling, measurement, and error control constitute the design of a study. As would be expected, the possible combinations are quite numerous. In this section, a few types of research design of particular importance to field research are reviewed briefly.

Surveys

Perhaps the most basic and most frequently employed type of research design is that of the survey. In the survey, some universe of units (e.g., objects or events) having some common feature is conceptualized, and comparable information is obtained, once only, about other, more variable features of each of these units (or, in the case of the sample survey, of each of some sample of these units). The survey design is well discussed in Moser (1958), Babbie (1973), and in Hyman (1955).

Although we typically associate survey research with the use

of respondent interviewing, questionnaires, or tests, information on the variable features of units within a universe may equally well be obtained through direct observation, informant interviewing, documents, or traces.

The most common aim of survey research is to describe the variability of certain features among the units comprising some universe. In such circumstances, sampling error is a matter of central concern, and the more disciplined probability sampling procedures are typically employed. Great emphasis is also placed on strict comparability of the information obtained from each unit, so that methods of data collection are typically used in their most systematic forms and frequently embody tests that generate scores. The data are usually presented through tables displaying distributions of scores and through descriptive statistics summarizing those distributions.

Survey research is also frequently employed for the purpose of testing hypotheses concerning the relationship, causal or otherwise, between two variables. In such cases, the strictures concerning sampling error and measurement noted for descriptive uses again obtain. Greater concern is felt for the decision as to which variables are to be measured, since the multivariate statistical procedures for controlling the effects of extraneous factors are inapplicable to any extraneous factor which is unmeasured (Rosenberg 1968).

Where survey research is undertaken for exploratory purposes of formulating concepts and hypotheses, error becomes less critical, with the result that less disciplined procedures of sampling, data collection, and measurement may be equally satisfactory and, in some cases, preferable.

Experiments and Quasi-Experiments

In the past decade there has been a remarkable surge of interest in the use of experimental and quasi-experimental research designs in naturalistic field settings (Bickman and Henchy 1972; Swingle 1973). The primary aim of experimental and quasi-experimental research is one of testing hypotheses concerning causal relationships. Unlike the survey research approach to this aim, experimental research does not simply measure independent variables but directly manipulates them, by deciding which units will receive which level of the experimental treatment. True experimental designs are those in which the researcher assigns units to levels of treatment entirely through randomization.

In quasi-experimental designs, the researcher must rely on less rigorous procedures for controlling assignment of units to levels of treatment (D. Campbell and Stanley 1963). Many experimental and quasi-experimental designs require repeated measurements of the dependent variables, and, of course, all require at least one measurement subsequent to administration of the experimental treatment.

These measurements can make use of any of the methods of data collection described—direct observation, informant interviewing, respondent interviewing, questionnaires or tests, documents, or traces.

Experimental research may also be conducted for exploratory purposes, in which some variable is directly manipulated simply to see what other variables might be affected thereby.

Participant Observation

Like survey research, participant observation research is undertaken primarily with the aim of description. The description sought is not one of variability within a defined population, but rather an analytic description of dynamic system properties of some concrete social organization (McCall and Simmons 1969). This description and the data on which it is based are not so much statistical as narrative. Data collection is less systematically standardized and almost always involves at least some direct observation, informant interviewing, and respondent interviewing, frequently supplemented by use of the other methods of data collection. Analysis of data is typically qualitative and quasi-statistical rather than quantitative or statistical. Formulation, data collection, data analysis, and writeup are conducted simultaneously throughout the study rather than as discrete sequential stages of research. More than the other designs reviewed here, participant observation is carried out through, and made possible by, sustained, genuinely social interaction with the people being studied. In this sense, participant observation represents the archetypical field method.

Joint Designs for Field Research

Many field studies are less narrowly conceived than the foregoing account of designs might suggest. That is, they may involve combinations of these research designs.

In some cases, a single design may be replicated with two or more methods. For example, standardized observations of the conduct of a sample of persons may be obtained and related to standardized respondent interviews of those same persons concerning their attitudes and interpretations. Such a study would be an instance of a multimethod survey design. Similarly, many experimental studies measure the dependent variables through both direct observation and tests.

In other studies, diverse research designs may be conjoined. For example, a survey study may be made of documents or persons (through respondent interviewing, tests, or questionnaires) in order to locate persons with certain desired characteristics to serve as subjects in an experimental study. Or, more frequently, subjects may be surveyed through respondent interviewing subsequent to the experiment in order to obtain their interpretations of and reactions to that experience.

Survey research frequently benefits from a preceding participant observation study of the community or organization which is to be surveyed (Sieber 1973). Conversely, participant observation is very often supplemented by respondent surveys of members of the organization under study (Bennett and Thaiss 1970).

In a similar fashion, participant observers may, in the course of their research, conduct small field experiments or, more typically, quasi-experiments in order to explore or clarify some system property. Experimental research on organizational change may be preceded or supplemented by participant observation of the subject organizations.

And, of course, all three design types might fruitfully be combined in the conduct of certain field studies.

FIELD RELATIONS

Whatever the methods and research design, what characterizes all field studies is the fact that at least a good part of the data collection takes place in naturalistic field settings. Since these settings are rarely under the control of the researcher or his employer, a critical aspect of all field studies is a consideration of techniques for obtaining and maintaining of cooperative participation on the part of those persons who are naturally located in those settings.

Even traditional survey research by respondent interviewing must employ field relations techniques to some degree. If the

community has a Green River ordinance, the researcher must seek police authorization to go door-to-door in that community. The interviewer must gain the respondents' consent to the interview and he must obtain their satisfactory participation in the question-and-answer process. Typically, some arrangements must be made to provide confirmation for the interview's identity claims and to receive and adjust respondent complaints about the study. The range of field relations problems potentially faced by the field experimenter or participant observer can be enormously greater.

One important group of problems centers around effective entry into the field setting. How is the researcher to gain access to the settings in which his data are to be collected? More importantly, once in those settings, how is he to achieve cooperative relations with the people there so that he is enabled to extract the information contained within those settings? A certain amount of background information about the structure of the general type of setting, and of this setting in particular, is helpful in planning whom the researcher will approach for access and how he will approach them. He will need to explain the auspices under which he is proposing to conduct his study. He will need to obtain sponsors, outside and inside the settings, to vouch for his purposes and activities. Such choices become more difficult when the people within those settings are organized into strata, segments, or factions, thus entailing multiple or successive entry (Kahn and Mann 1952). Certain understandings and bargains will need to be negotiated between the researcher and the people inhabiting his settings (Schatzman and Strauss 1973, pp. 18–33).

A second group of problems concerns the role of the researcher in the field settings and his relationships with the people therein. The researcher may choose to be purely an external researcher, a semi-involved researcher, an insider who is also known to be a researcher, or an insider who is covertly conducting research (Gold 1958; Schatzman and Strauss 1973, pp. 58–63). To the extent to which he is known to be a researcher, a learner, he must patiently teach the subjects of his research how to be research subjects (i.e., helpful teachers). To the extent to which he purports to be some kind of insider, he must carefully select his inside role and learn how to execute that role effectively. Both the researcher and the insider roles involve him in social relationships with his subjects, in which he must achieve and maintain some optimal level of rapport through close attention to maintaining reciproci-

ties of benefits (McCall and Simmons 1969, pp. 43–44). These relationships are continually threatened by resistances, misunderstandings, and rumors, so that continuing effort is required in order to maintain proper rapport.

Emotional and ethical problems are frequently encountered by the field researcher. Field research often exacts a variety of emotional costs (Henry and Saberwal 1969) compounded by human relations difficulties emerging within the research team if more than one researcher is involved in a study (R. Adams and Preiss 1960, pp. 11–40). As in all social research, studying human beings in field settings also engenders certain ethical problems, particularly in reporting the results of the study (Becker 1964; Rainwater and Pittman 1967).

CRIMINAL JUSTICE RESEARCH: AN OVERVIEW OF THE VOLUME

In order to suggest applications of field methods to the study of the criminal justice system, some conception of criminal justice research is required. In this monograph, problems suggested for study through field methods will generally reflect an interest in coming to understand the exercise of official discretion at the many stages of processing criminal offenses and offenders. (For a most graphic representation of these stages of processing, see the flow chart in President's Commission 1967, pp. 8–9.)

After all, law (and especially the criminal justice system) is a vital social institution of the community, serving to contain threats to and departures from the moral, social, and economic orders of that community. Numerous intrinsic goals are thus implied for the criminal justice system, of which five will be emphasized here: (1) the rehabilitation of offenders, (2) the isolation of offenders who pose a threat to community safety, (3) the deterrence of potential offenders, (4) the expression of the community's condemnation of the offender's conduct, and (5) the reinforcement of the values of law abiding citizens. In addition to these and other intrinsic goals, several more extrinsic goals pertain. First, like any other social organizations, the component organizations of the criminal justice system (e.g., police departments, courts, the local bar, prisons) are concerned to maintain or enhance their individual organizational welfare (status, stability, resources, powers). Similarly, individual members of these

component organizations try to maintain or enhance their own personal or career welfare, defined in parallel fashion. Further, each of these component organizations typically possesses resources insufficient to fully meet the work demands placed upon it; hence, efficiency and economy of effort become an important extrinsic goal.

Much of the detailed functioning of the criminal justice system is an artful attempt to balance and "satisfice" these multiple goals. The exercise of official discretion in the handling of offenses and offenders—with the resultant differentials and disparities of outcomes—is a necessary precondition for the "satisficing" of multiple goals.

The research problems selected for treatment in this monograph are generally related to questions of the decisional weightings given to characteristics of the offense and to characteristics of the offender, in light of the multiple goals of the criminal justice system, in the exercise of official discretion on the part of citizens, police, prosecutors and defenders, judges, probation and parole officers, and correctional officers.

Although similar in overall outline, each local system of criminal justice is uniquely organized. To begin with, there are 52 distinct criminal codes in the United States (Cole 1973). The organization of criminal courts varies importantly among the States (Vines and Jacob 1971). The structure and functioning of police departments varies widely among local communities (Wilson 1968*b*). More importantly, the relationships among the component agencies are typically quite different from community to community.

Perhaps the most vital type of field research is the detailed study of the distinctive organization of a local criminal justice system focusing on the manner in which the discretionary decisions of various agents are constrained and influenced by relationships with other local agencies. Still exemplary in this respect are the pioneering team studies of the administration of criminal justice conducted by the American Bar Foundation during the 1950s in Wisconsin, Kansas, and Michigan, culminating in the report on Detroit (McIntyre 1967). Observers were placed simultaneously in the several component agencies, viewing and probing ongoing activities with a special interest in the relationships of their own agencies with each of the others. Detailed sharing of findings and perspectives among the observers during the data collection process greatly enhanced the discovery of these working relationships among agencies. Other leading instances of this

type of research, but conducted by solo researchers, include the studies by Skolnick (1966) and Blumberg (1967).

Many more studies of local criminal justice systems in their entirety are needed, covering a larger portion of the range of community types. Since the largest volume of criminal cases is handled within the larger metropolitan centers, the majority of studies of criminal justice have been conducted in these few communities. The largest number of criminal justice systems, however, are located in smaller cities and rural areas. With the exception of Neubauer (1974*b*) and some of the American Bar Foundation studies, the smaller criminal justice systems have received little research attention.

Most studies of criminal justice deal not with the local system in its entirety but with some restricted aspect of the functioning of a single component agency. Such segmental studies are of great value and will no doubt continue to dominate the research literature. Nevertheless, from the more system-oriented studies, researchers should at least draw the clear implication that research within a single agency may be quite misleading without some reasonably accurate appreciation of the functioning of that agency within the larger context of the entire local criminal justice system. Furthermore, local system differences make it difficult to apply fully standardized research instruments and designs across systems or to straight-forwardly replicate studies conducted within another local system.

Despite these cautions, this monograph must deal with actual or suggested studies of the segmental type. In each of the following chapters, applications of field methods will be reviewed for application to the study of discretion and disparities within the various segments of the criminal justice system.[1] Those readers wishing to locate discussions of a particular method, technique, or design—rather than substantive problems—may be guided by the index. Each chapter will contain discussion of field relations problems distinctive of the system segment under review.

[1] Not all of the studies cited in this review represent applications of field methods as defined in the present chapter. Such nonfield studies are generally cited for the substantive import of their findings for research questions which might be approached through field methods.

CHAPTER 2

Observing Crimes, Criminals, and the Victim Community

OBSERVING CRIMES

Although criminology is usually defined as the study of crime, little interest has been manifested in the direct study of crimes as social events. The primary concern has been broadly statistical—in the rates, spatial distributions, temporal trends, and economic costs of crimes. In recent years this tendency has been somewhat offset by a series of investigations of particular offense types as social events. Most of these studies have focused on offenses as work episodes or technical achievements. Other studies have focused on the offense as a social drama, an interpersonal encounter.

As work episodes, crimes require the exercise of certain skills (Letkeman 1973), which may be technical skills (handling explosives or bypassing alarm systems) or social skills (persuading a swindle victim to put up his own money or preventing resistance by robbery victims). Various techniques are employed in the several stages in the commission of a crime: (1) Before the crime, victims must be located, evaluated, and selected; accomplices may need to be recruited, trained, and organized; equipment may need to be procured; plans for evading detection, interruption, apprehension, or injury may be required, as may plans for disposing of criminal proceeds. (2) During the crime episode itself, victims may need to be controlled; equipment may be employed; criminals may need to coordinate their actions; and disruptive contingencies may need to be managed. (3) After the crime, the criminals must leave the scene and transport any proceeds, must avoid detection or apprehension, and must dispose of any proceeds. In view of all these task requirements, crime episodes may be expected to have variable task outcomes. Types and instances of crimes vary markedly in skills, techniques, contingencies, and outcomes. Important studies of crimes as work episodes include

Letkeman (1973), Conklin (1972), Normandeau (1972), DeBaun (1950), Einstadter (1969), and Shover (1973).

As social dramas, crimes exhibit a dramatically meaningful sequence of actions among several persons, which may be well or poorly carried out. As in other interpersonal encounters, features of analytic interest include the physical and social *setting*, the *social composition* of the encounter, its *role structure*, and the *interaction sequence*, including the demeanor of the participants. Instances of such studies include Henslin (1968), Humphreys (1970), Cavan (1966), and Jackman, O'Toole, and Geis (1963).

Most of our information on crimes (other than vice) has been derived from interviews, principally of incarcerated offenders. Whether from offenders, victims, witnesses, or investigating police officers, interview accounts of specific crime events must be regarded somewhat skeptically. The rapid pace of the event, with the high level of fear and excitement gripping these involved persons, renders these accounts fragmented and frequently distorted. Although a very successful program of disaster research has been built largely on accounts of this sort, the study of crimes as events would profit greatly from the use of more detached observers.

Social scientists rarely report direct observations of crimes other than vice, suggesting that such observation poses some serious difficulties.

One difficulty is the low probability and low predictability of criminal events. Despite frightening crime rates, even police patrols rarely observe a crime in progress (Reiss 1971*b*). Thus, the observer time expended in waiting for such an event to occur in view can be prohibitively expensive. Nonetheless, careful selection of locales and times for observation may sufficiently increase the likelihood of observing a crime to warrant undertaking a direct observational study.

A second difficulty is the reactive effects of the presence of the observer on the probability of a crime occurring in view. Robbers, burglars, rapists, etc., are frequently deterred from execution of a contemplated crime by the presence within view of a person other than the victim. Such deterrence is not universal, however, and in many circumstances the observer may be able to hide or disguise his presence.

A third difficulty is the risk incurred by the observer of physical danger from the offender (or from any pursuing policemen or citizens). At a lesser level, the observer is also at risk for detention or arrest by police simply by virtue of his presence at the

scene of trouble. Again, such risk may be diminished by employing hidden observation.

Even a hidden observer, however, may be technically liable to testify in court as a material witness, should his observational activities become known to legal authorities. Moreover, he may face ethical dilemmas as to whether he should assist an observed victim, pursue an observed offender, notify the police, or testify to police or in court.

Though these difficulties are formidable, they do not necessarily preclude the social scientist from undertaking observational study of crimes.

Street crimes—such as robbery, theft from a person, and assault—are the archetype of the fast-paced and emotionally involving event that renders interview accounts less credible. And since street crimes necessarily take place in public settings, they additionally invite direct observational study, both as work episodes and as social dramas (Conklin 1972).

One useful strategy is to undertake hidden observation. Since neither police patrols nor street criminals pay much attention to areas above street level, the researcher could stake out a cheap hotel room or loft on the second or third story overlooking a street block characterized by a high level of street crime. Particularly during the evening hours—the peak period for most street crimes—with the room lights extinguished and the street illuminated, the observer is enabled to see reasonably well without being seen and is relatively removed from direct risk. His ethical obligations are essentially those of a civilian blockwatcher assigned an anonymous code number to be used in reporting crimes to the police.

During the peak hours, the hidden observer should be able to observe a considerable volume of "near-crimes" and occasionally an actual street crime committed. Since street crimes are crimes of opportunity, by concentrating attention on those persons on the street who appear to exhibit high potential for offense, the observer can gather a good deal of information concerning the manner in which potential offenders seek and size up possible criminal opportunities. Felonious interest in a possible victim is often quite manifest, as are the subsequent processes of evaluating and even testing the potential victim and of assessing the likelihood of bystander intervention. In following the progress of a group of potential offenders under observation, the probability is high that at least an episode of such "near-crime" will be observed.

The utility of this observational strategy depends on the ability to correctly identify potential offenders. Such identification is entirely probabilistic and quite probably biased. Nonetheless, police experience in that local area provides useful probabilistic cues on the type of offenses, victims, and offenders most commonly encountered in that block segment. Rubinstein (1973, pp. 218–266), for example, inventories certain characteristics which police at times have employed in identifying potential offenders.

Frequently, the obverse strategy for watching is indicated. That is, when a relatively slow-moving person with high potential for victimization (e.g., a drunk or a dazed junkie) is in view, the observer may usefully concentrate his attention on the manner in which passersby of various descriptions orient themselves to this potential victim. Many parties will pass him by with nothing more than a fleeting expression of pity or scorn, while others will clearly manifest their potential felonious interest.

This second observational strategy suggests one additional approach to the problem of observing street crime. Many police departments occasionally or routinely conduct decoy operations, in which a police operative simulates a civilian with high victimization potential in the hope of being victimized while under the surveillance of his undercover confederates nearby. It is possible —and under proper circumstances, even quite feasible—for a social science observer to play the role of such an undercover confederate from a position optimal for victim-centered observation of passersby.

This decoy approach affords several advantages over the hidden observer approach. First, the probability of observing an actual street crime is appreciably enhanced, thus reducing the dross rate. Second, the victim and his conduct are held more nearly constant, allowing cleaner comparison among the actions of passersby. Decoy squads typically have a repertoire of standard victim simulations, so that over a sustained period of study, comparisons of passerby reaction to a whole series of victim types can be made. Third, decoy operations are mobile, rotating the areas in which they are conducted. In this way, the observer can more readily obtain data from a number of block segments than by means of the hidden observer approach. Fourth, the decoy squad observer may typically be closer to the observed action than the hidden observer, perhaps close enough to overhear the remarks of potential offenders to and about the potential victim. Fifth, supplementary interviewing is made possible. The potential victim is always available at the end of the operation to be interviewed concerning those remarks and conduct of potential offenders that the observer was unable to note accurately. Moreover, if the decoy were victimized, the observer would be able to interview the offenders on the spot.

On the other hand, the decoy approach also entails certain disadvantages as compared to the hidden observer approach. First, the observer is clearly at risk of physical danger, particularly if the squad is mobilized to aid the victimized decoy and to arrest the offenders. Weapons may be employed by the offenders, the police, or both. Second, interpersonal obligations may develop so that the observer is pressured to play essentially a police role in the operation. Third, the observer's activity is directly controlled by the police department, dictating what activities he shall be allowed to observe, where, and when. Fourth, there is a considerable likelihood that the observer will come to adopt the police viewpoint of offenses, victims, and offenders. Fifth, sustained operations by decoy squads quickly produce a reactive effect of their own, inducing acute suspicion among potential offenders concerning the probability that a person of high victim potential in a high crime area may be a police decoy. Sixth, police frequently resent the burden of an unarmed civilian—detached from the practical ardor of an anti-crime unit—at the scene of a potentially violent crime.

Through either of these approaches, however, street crimes can be successfully observed. In both approaches, the observer is free from risk of detention or arrest. The decoy squad observer is relatively free from legal accountability (for court testimony, etc.) and from ethical dilemmas about responding to an observed crime, because of the known presence of responsible and responsive police agents. (Also, any ethical or legal burden concerning the issue of entrapment rests properly on the police officers conducting the decoy operation, since the researcher is merely observing the ongoing operation.) The hidden observer may similarly resolve these particular difficulties by instituting arrangements with the police department like those of an officially sponsored blockwatcher, who is trained by the police department and issued a confidential identification number to be used when contacting a police dispatcher. Although neither approach entirely removes the observer from physical danger if gunshots should be fired, the decoy squad observer is clearly at greater risk. (That risk should not be exaggerated, however, as the observer is surrounded by very experienced policemen alert to his presence and con-

cerned for his well-being.) The decoy squad observer does exert greater likelihood of reactive effects on the probability of a street crime being enacted in his view, but this depressing effect is probably offset by the enhancing effect of the decoy's high apparent victimization potential. Of course, the hidden observer may also make limited use of the decoy technique in striving to increase the probability of observing crime while maintaining detachment. Without the backup capability of a police squad, the risks of a hidden observer utilizing a decoy person are unconscionably great, but he might well employ a property decoy, such as parking an unlocked car across the street or leaving a portable radio near the open end of an unattended truck. (Of course, if the observer reports the ensuing crime, he then shoulders some burden of entrapment.) Similarly, the advantages of the decoy squad observer's potentially greater proximity to the target can be partially offset by the hidden observer's use of technological aids, such as binoculars and parabolic microphones.

Many crimes, of course, occur not on the streets but indoors. Certain nonemployee crimes against businesses, such as bank robberies, occur with such low frequency and low predictability that direct observational study is generally quite uneconomical. In such instances, analysis of existing traces may largely substitute for direct observation. For example, banks are monitored by automatic cameras for the express purpose of photographically recording bank robberies. So far as I have been able to determine, no social scientist has attempted to utilize such recordings to verify or amplify existing informant-based accounts of the conduct of bank robberies (Letkemann 1973; Normandeau 1972; Conklin 1972; DeBaun 1950; Camp 1967).

Other nonemployee crimes against businesses, such as shoplifting, do occur with sufficient frequency that large department stores have found it profitable to employ hidden or disguised observers in order to detect shoplifting. This fact suggests that social scientists, in cooperation with store managers, might also find direct observation of shoplifting sufficiently economical. Again, many retail establishments are equipped with closed-circuit television monitoring systems to detect shoplifting. These systems could easily yield (or be modified to elicit) videotape traces of shoplifting incidents for analysis by social scientists.

Employee theft is also potentially observable. Indeed, certain establishments, such as post offices, are known to be equipped for hidden observation of employee conduct. Generally speaking, however, employee theft is probably best researched by studying

work behavior more broadly, in the tradition of industrial and occupational sociology. Participant observation research that reaches into the stockroom, warehouse, loading dock, and employee's cloakroom is quite likely to yield direct and indirect observation of patterns of employee theft and inventory shrinkage without necessarily seeking it.

Similarly, white-collar crime (Geis 1968) and professional fringe violations (Quinney 1963) are more likely to be observed by studying the work life of executives and professionals than by attempting manifestly to study white-collar crime. The primary reason that social scientists have seldom observed white-collar crime or professional violations is that they have too seldom studied the work life of executives and professionals (Geis 1974). Of course, even with thorough participant observation of executive work life, certain crimes, particularly embezzlement, are by their nature extremely unlikely to be detected by the observer.

Crimes against persons most often occur in settings other than the streets. Simple and aggravated assaults, for example, may reasonably be observed directly by an observer willing to station himself in certain disreputable bars and taverns on Thursday, Friday, and Saturday evenings. Here again, the risks of physical danger, detention or arrest, legal accountability, and ethical problems must be confronted. Other crimes against persons, such as murder and rape, occur with frequency and predictability too prohibitively low to warrant observational study, although there remains a possibility that an observed assault might eventuate in a homicide.

Vice activity and other victimless crimes have historically proved most amenable to direct observation, owing to the profound societal ambivalence concerning the criminality of these activities. The doubtful criminality of these activities increases the regularity and predictability of their occurrence while diminishing the potential reactive effects of the observer's presence. Concomitantly, the risks of physical danger, detention or arrest, legal accountability, and ethical problems are also diminished significantly. Prostitution, homosexuality, public drunkenness, minor gambling activities, liquor violations, and lesser drug offenses have all been studied at first hand with virtual impunity. Even without resort to participant observation, certain aspects of these activities can be directly observed on the streets or in other public places. Important examples include solicitation for prostitution or homosexual liaisons, public drunkenness, and illicit drug purchases.

A number of important crimes can reasonably be observed only by knowingly accompanying an habitual offender. Crimes of this sort include burglary, check forgery, auto theft, high-jacking, and swindles. It is within this category of offenses that the often enumerated risks of direct observation of crime reach their zenith. Perhaps the only way in which these risks may be reduced to possibly acceptable levels is for the observer to serve simultaneously as either a protected police informer or an undercover policeman. These roles are in themselves risky and troublesome, and their successful performance entails role involvements not necessarily compatible with the cognitive and emotional detachment desirable for scientific observation.

Short of a scientific observer adopting either of these roles, he might strive to obtain access to the many very useful existing records generated by incumbents of these roles in their ordinary activities. Criminal organizations devoted to burglary, auto theft, subversion, or vice are frequently penetrated by undercover agents (essentially participant observers) and/or subjected to sustained external surveillance, often through electronic and photographic devices. The field notes and traces (recordings) generated by such undercover investigators may constitute an invaluable treasury of information for the social scientific analysis of the social organization of these relatively inaccessible criminal activities. Unfortunately, such criminal intelligence files are rightfully regarded by police agencies as highly confidential and legally very sensitive, so that external social scientists are unlikely to be granted access to these files. One possible solution would be for police agencies to hire qualified social researchers for a year or two in desk jobs devoted to analysis of criminal intelligence.

More typically, social scientists have utilized less confidential police and court records, often supplemented by interviews with convicted offenders, to formulate descriptions and analyses of serious criminal acts. Conklin's (1972) monograph on robbery is an excellent example of the potential fruitfulness of detailed analysis of even the less desirable existing records. Cameron's (1964) monograph on shoplifting demonstrates the utility of exploiting nonofficial records, such as those maintained by department store security agents.

Observational access to various types of crimes is in good part a function of personal characteristics of the observer—not only his level of acceptable risk, but also his age, sex, race, and social statuses. A young black male of lower-class origins might be especially well suited for observation of juvenile street crimes in ghetto neighborhoods, for example, but would find lesser access to white-collar crimes in corporate executive suites.

OBSERVING CRIMINALS

An alternative commonsense definition of criminology is that of the study of criminals. Certainly it is the case that criminals have received more study than has crime. Since the decline of biogenic theories of criminality, study of criminals has focused upon psychological and social characteristics of criminals, seeking clues to the etiology and modifiability of criminality. Most criminals are annoyed by bad weather, shop in supermarkets, and forget to see the dentist twice a year, much like the rest of us. They often do, however, exhibit somewhat different values, attitudes, skills, and practices, and it is these that dispose such persons toward committing crimes. Criminality—the predisposition toward commission of crimes—appears to be a matter of cultural and social differences.

Social scientific research on criminals has been concerned not so much with individual attributes of these persons nor with study of their individual criminal acts. Rather, it has dealt with *the criminal life*, i.e., the culture and social organization of sustained criminal involvement. Such research has examined the lifestyles, cultures, and social communities associated with particular types of sustained criminal involvement. It has sought to investigate the careers and work organizations arising within these types of involvement.

Recently, in fact, the term "career" has come to be employed as identifying such types of criminal involvement. Gibbons (1965, 1973), for example, has differentiated 15 patterns of adult criminal behavior which he has theoretically characterized as types of criminal careers:

1. professional thief
2. professional "heavy" criminal
3. semiprofessional property criminal
4. property offender—"one-time loser"
5. automobile thief—"joyrider"
6. naive check forger
7. white-collar criminal
8. professional "fringe" violator
9. embezzler

10. personal offender—"one-time loser"
11. "psychopathic" assaultist
12. violent sex offender
13. nonviolent sex offender—"rapo" [1]
14. nonviolent sex offender—statutory rape
15. narcotic addict—heroin.

One important line of research has been the empirical investigation of the stages, contingencies, and role-activities of such criminal careers. Many of these studies have essentially employed a life-history approach (Langness 1965), such as the volumes by Shaw (1930); Sutherland (1937); Jackson (1969); Klockars (1974); and Chambliss (1972). Other studies have gathered data on a number of persons in a given career type in an attempt to nomothetically characterize the social organization of that career type. Important examples include Cressey's (1953) study of embezzlers, Lemert's studies of systematic and naive check forgers (1953, 1958), several studies of prostitutes (Bryan 1965, 1966; Jackman, O'Toole, and Geiss 1963), Polsky's (1969) study of the pool hustler, and Roebuck's (1967) study of a variety of criminal career types.

Other studies have dealt primarily with various types of criminal work organizations, such as the social organization of burglary (Shover 1973) or of armed robbery (Einstadter 1969). Further examples include studies of bank robbery (Letkeman 1973, pp. 90–116; Normandeau 1972), criminal gangs (Thrasher 1927), abortion mills (Ball 1967), confidence games (Maurer 1940, 1974), and organized crime (Landesco 1968; Inciardi 1973, 1974; Ianni 1974).

Still other studies have dealt more broadly with particular types of criminal cultures, lifestyles, and communities, such as Maurer's (1964) study of pickpockets, Suttles' (1968) study of youth gangs, Zola's (1963) study of lower-class gambling, Bryan's (1966) study of occupational ideologies of call girls, and various studies of the homosexual community (Hooker 1965; Cavan 1966; Humphreys 1970; Reiss 1961; Leznoff and Westley 1956).

A good many of the studies cited above are based substantially on interviews with incarcerated criminals. While useful, these studies are frequently criticized for primary reliance on such data, which are alleged to be retrospective, "sad tales" calculated to gain some favorable treatment for the prisoner or self-aggrandizing fables designed to elevate his criminal status. Moreover, such data are stigmatized as coming from unsuccessful criminals, on the supposition that successful criminals are not apprehended or at least are able to avoid incarceration. Although the preponderance of evidence clearly runs contrary to that supposition, it nonetheless remains the most central bogeyman in the criminologist's demonology. Aside from whether apprehended or even incarcerated criminals are entirely representative of the criminal population, the other criticisms of prisoner interviews must still be confronted. Interview data from prison inmates may indeed be too highly retrospective, for the inmates have become enmeshed in the prison culture and are no longer reliably sensitive to the criminal culture; jail inmates on the other hand (at least those not in jail for the first time) are still caught up in the street life. Even with jail inmates, it may be held that interview information obtained may be importantly distorted by the self-serving motives of the inmate to obtain a break. Inmate interviews do indeed exhibit a strong tendency of this sort, but the experienced interviewer is unlikely to tolerate or to be deceived by such self-serving tales. We must conclude, then, that it is entirely possible to obtain useful information on the criminal life in studies based on apprehended or incarcerated criminals, as is well indicated by the caliber of some of the studies cited.

[1] "Rapo" (or "ding") is a prison inmate term for a nonviolent sex offender involved in exhibitionism, child molesting, or incest (Gibbons 1965).

On the other hand, it is equally clear that—convenience of the researcher aside—*field* studies of criminal life are less subject to these criticisms. The representativeness of the criminals studied, the freshness of the information they impart, and their motives for imparting it are less readily questionable in a natural field setting than in prison. Moreover, the obtained information is more susceptible to cross-checking by means of direct observation and interviews with other informants.

The need for such cross-checking of interview information—as well as the subject matter of these studies of criminal life (i.e., careers, subcultures, lifestyles, communities, and work organizations)—indicates that participant observation is clearly the preferred research design in studying this substantive area. Participant observation among criminals is not without its difficulties and risks, which should be confronted without unnecessary exaggeration.

Risks

Although the criminal life is largely noncriminal in its content, field study of that life does necessarily place the researcher in the

position of attaining knowledge about and witnessing, a number of illegal acts. With exercise of reasonable prudence concerning what sorts of illegal acts he is willing to witness, he may avoid undue risk of physical danger and of direct criminal arrest. Technically, however, he is definitely legally liable to arrest for obstruction of justice or for serving as an accessory (before or after the fact) to any crime of which he has certain knowledge.

> The criminologist studying uncaught criminals in the open finds sooner or later that law enforcers try to put him on the spot—because, unless he is a complete fool, he uncovers information that law enforcers would like to know, and, even if he is very skillful, he cannot always keep law enforcers from suspecting that he has such information. (Polsky 1969, p. 141.)

Furthermore, the field researcher is certain to encounter ethical problems concerning his obligations as a citizen to aid victims of an ongoing crime, to prevent a crime, or to mobilize police.

It must in fairness be concluded that field study of sustained criminal involvement contains more inescapable risks for the researcher than does field study of certain crime episodes per se, such as street crimes. Field study of the criminal life is not advisable for everyone. Researchers with too much or too little stomach for guilty knowledge of crime will surely be unacceptably victimized by these inescapable risks of studying criminals in the open (Polsky 1969, pp. 118, 127–128, 133–143). The field researcher:

> will not be enabled to discern some vital aspects of criminal lifestyles and subcultures unless he (1) makes such a moral decision [not to act upon his guilty knowledge of illegal acts], (2) makes the criminals believe him, (3) convinces them of his ability to act in accord with his decision. That third point can sometimes be neglected with juvenile delinquents, for they know that a professional studying them is almost always exempt from police pressure to inform; but adult criminals have no such assurance, and hence are concerned to assess not merely the investigator's intentions but his ability to remain a 'stand-up guy' under police questioning. (Polsky 1969, p. 134.)

The risks to which we have been referring, though inescapable, vary rather widely in magnitude according to the type of criminal career being studied and the type of information being sought.

Studying the life of the abortionist, the shoplifter, or the naive check forger is much less risky than studying the life of the burglar, bank robber, or highjacker. Similarly, for a single career type, such as the burglar, studying his leisure world or his argot is much less risky than studying his professional career or his work groupings.

Again, as in observing crimes (see p. 28), personal and social characteristics of the observer importantly condition the type of criminal and the aspect of criminal life which would prove most feasibly accessible for that observer. A young middle-class female, for example, might encounter fewer difficulties in conducting participant observation among abortionists or shoplifters than among bank robbers or safecrackers.

Given both such variability in magnitudes of risk and accurate self-knowledge of his personal limitations and his level of tolerance for guilty knowledge, virtually any qualified social researcher could delineate some aspect of some criminal life that he would feel capable and comfortable in studying in the field. Unfortunately, certain misconceptions about such field study of criminal life have deterred many researchers from undertaking this enterprise.

Misconceptions

The first of these misconceptions is that participant observation among criminals entails having to become one of them, or at least having to pass for one of them. This belief stems from a serious misunderstanding of the nature of participant observation. A participant observer does not participate in every role or even every activity involved in the social organization under study. A female anthropologist might perfectly well conduct a participant observation study of circumcision rites, even though she obviously could not pass through such rites herself. What is critical for participant observation is that the researcher play *some* role(s) and participate in *some* constituent activities. Thus the participant observer of the criminal life will have to play some role within that life-space (but not an outright criminal role) and will have to participate in some activities of that life (but not seriously illegal activities). As Irwin (1972) has pointed out, requisite participation is primarily in a world of talk.

Attempting to conduct field research by passing for a criminal is not only unnecessary but actually foolhardy, for several reasons.

First, aside from the standard risks discussed above, the researcher will eventually either be trapped into outright criminal acts or, more likely, be exposed as an imposter, destroying his field relations and perhaps incurring retribution. Second, his research activities will be sharply limited, in that he could not ask certain important questions of other criminals, for if he were indeed the criminal he pretends to be he would already know the answers.

The successful field researcher under these circumstances must openly—though not necessarily blatantly or exclusively—operate among criminals as a researcher, if he is to enjoy proper freedom to pursue his scientific questions. Most frequently, however, in order to play the role of researcher he must also play some noncriminal role indigenous to the criminal being studied. Typically, such a field role is found in the leisure-time activities of the criminal, such as gambling, pool-playing, or drinking. The researcher may play the role of fellow participant or may play the role of a service functionary, such as bartender or pool hall attendant. Even within such natural field roles, however, the researcher must eventually reveal his research interest and identity and must convince the criminals that he is an acceptable (i.e., accepting) type of "square" (see Polsky 1969, pp. 120–121, 125–126).

The second important misconception is that, due to the threat of arrest and punishment, criminals will not permit the researcher access to the information he seeks. Denial of informational access is frequently encountered in thoroughly legitimate organizations, of course, and the motivation for such denial is indeed greater among criminals. Not only may the criminal be harmed by permitting informational access, but he may be quite resentful of intrusive questioning by squares on his own turf when he is continually subjected to it already by law enforcement personnel. Here the researcher has no formal authority to back his informational requests, and the criminal is for once free to put down his interrogator.

If the researcher is able to convince the criminal that he is a "right guy," however, informational access may not prove difficult. For one thing, criminals value glib and imaginative conversation and tend to talk very freely (though too often very loosely) about their activities and their world. Secondly, most of the information sought by the researcher is not directly incriminating but has to do with shared subcultural beliefs, values, and practices. Furthermore, even when specific illegal acts are being discussed,

these acts are often either offenses for which the criminal has previously been tried or are discussed with cavalier disrespect for the precision or accuracy of incriminating details.

The third important misconception is that criminals, being social fugitives, are difficult to locate. As Irwin (1972) and Polsky (1969) observe, making contact with a criminal in the community is remarkably easy. Locating some particular criminal, or even some particular type of criminal may be more difficult, but even such a search can be surprisingly simple (Becker 1970; Klockars 1974). A chain of referrals is required. If a researcher wants to make contact with, say, a bootlegger, he thinks of the person he knows who is closest in the social structure to bootlegging. Perhaps this person will be a police officer, a judge, a liquor store owner, a crime reporter, or a recently arrived Southern migrant. If he doesn't personally know a judge or a crime reporter, he surely knows someone (his own lawyer or a circulation clerk) who does and who would be willing to introduce him. By means of a very short chain of such referrals, the researcher can obtain an introduction to virtually any type of criminal. Research by Milgram (1969) on this "small-world" phenomenon has demonstrated that any stranger can be connected with any other stranger by an average of 5.5 intervening links. Of course, simply to make contact with a particular type of criminal in this manner does not suffice to obtain social or informational access to that criminal world. Successful utilization of contact depends on constructing a proper field role.

Field Relations

The discussions by Polsky (1969), Irwin (1972), Becker (1970), and Maurer (1968) provide innumerable useful suggestions for establishing and maintaining viable field relations with criminals. Although aimed at study of deviant behavior more broadly, the anthology edited by Douglas (1972) also affords a number of relevant considerations for the study of criminals. The appendix to Klockars (1974) presents a valuable account of problems encountered and tactics employed in his study of the world of the fence.

As mentioned previously, the first problem for the researcher is winning trust of the criminals—getting himself defined as a "right square." Irwin (1972, pp. 123–124) enumerates four minimal dimensions of "rightness": being close-mouthed in regard to

potentially harmful information, being tolerant of criminals, being nonphony, and being the sort of person who can be counted on by friends when needed. As a social scientist with sufficient confidence and interest to seek out criminals outside of a law enforcement setting, the researcher begins with a certain kernel of initial trust. "Criminals will probably trust a strange sociologist before they will a strange criminal . . . If the researcher earns the respect and trust of some group of criminals and is defined by them as all right, he will usually find that this reputation . . . will travel on its own or can be carried by the researcher's friends to other criminals" (Irwin 1972, p. 124).

In acquiring and maintaining such trust, certain reciprocities are always required (Wax 1952). One such reciprocity is that:

> In studying a criminal it is important to realize that he will be studying you, and to let him study you. Don't evade or shut off any questions he might have about your personal life, even if these questions are designed to "take you down," for example, designed to force you to admit that you too have knowingly violated the law. He has got to define you satisfactorily to himself and his colleagues if you are to get anywhere, and answering his questions frankly helps this process along. Sometimes his definitions are not what you might expect. (Polsky 1969, p. 126.)

Just as that reciprocity stems from the necessity of establishing the researcher's lack of phoniness, so does a second important reciprocity flow from the necessity of establishing his willingness to aid criminal friends when necessary. Since criminals lead very problematic lives, and since mutual aid is a prominent value in the criminal culture, the researcher will frequently need to honor requests for help of various kinds (Irwin 1972, pp. 129–130). Requests of an outright criminal nature can safely be refused, on the grounds that these involve the risk of arrest, since criminals can fully appreciate someone's not wanting to risk arrest. Other personal requests—especially for help in going straight—cannot safely be denied without offering good reasons that are understandable to the criminal.

While not reciprocities in this sense, the researcher's dress and language must be accommodated to those of the criminals he is studying (Irwin 1972, pp. 124–126; Polsky 1969, pp. 121–124, 128–129). The researcher is obliged not to be obtrusive through his presence. Since dress is a very important aspect of identity in the criminal world, he must dress as much like his subjects

as possible, or at least in a manner that is acceptable to them. Similarly, though much more difficult, he will have to modify his usual speech patterns as well, so as to blend into the normal conversational life of the criminals he is observing. Not only are there various criminal argots, but criminal communities also employ ordinary words in special ways and with distinctive frequencies.

In fact, aside from the problem of winning trust, the problem of mastering the distinctive conversational conventions of the criminal culture being studied is probably the most influential factor in determining the pacing and eventual success of participant observation in the criminal world. Polsky advises:

> . . . initially, keep your eyes and ears open *but keep your mouth shut.* At first try to ask no questions whatsoever. Before you can ask questions, or even speak much at all other than when spoken to, you should get the "feel" of their world by extensive and attentive listening—get some sense of what pleases them and what bugs them, some sense of their frame of reference, and some sense of *their* sense of language. . . . (1969, p. 121.)

When the researcher eventually does begin to venture an active use of their language, he must proceed very cautiously. If distinctive expressions are misused, or used correctly but too often, his squareness will be obtrusive. If he overdoes the special language, comes on too hip, he will also obtrude.

Although this process of language acquisition may be protracted and difficult, it is of vital importance for significant data collection. As Irwin observes:

> The *way* something is said as well as *what* is said will define the situation and shape the perspectives of the actors in it . . . Until researchers are immersed in the meaning world and blend into the setting, they will obtrude upon situations and change them. As long as it is perceived that they . . . represent a different perspective, their presence unavoidably alters the context. Instead of it being a group of people interacting within a particular shared meaning world—a criminal one—it will be a group of criminals interacting with some outsider. Even if the criminals try to be natural, they cannot. (1969, pp. 125–126.)

Such a shift may lead the researcher to believe that the criminals are merely posing or deliberately misrepresenting the actual situation. Mastery of the language and meaning system is clearly

vital to study of cultural features and frequently to the study of actions and behaviors as well.

> Unusual terms or unusual uses of conventional words signal areas of central concern to the people under study and provide an opening analytic wedge, as the term "square" did in studying musicians or "crock" did in studying medical students. Differences in the use of deviant argot may serve as useful indicators of generational differences among members of the group, of differences in degree of involvement in its activities, or of differences in the segment of the deviant world one belongs to. (Becker 1970, p. 39.)

Perhaps the greatest difficulty encountered in solving the researcher's two central problems—winning trust and learning the language—is the difficulty of sustaining sufficiently regular contacts with the criminals in informal settings. This difficulty stems not so much from the criminals' unwillingness to allow researcher participation as from the fact that most criminals lead very chaotic lives and do not routinely get together for small talk (although this varies importantly by criminal career type). Irwin (1972, pp. 121–122) recommends that the researcher concentrate on maintaining regular contacts with one or two more stable criminals, around whom temporary groupings in which the researcher can participate will form from time to time. Even such a procedure can prove inconveniently costly, for the researcher's activity must be paced by the undependable flow of these central criminals' lives. Polsky strongly suggests that the researcher refrain from attempts to schedule, regularize, or influence the criminal's activities for the sake of research progress (1969, pp. 129–130). Not only are such attempts alienating but if successful they distort precisely what the researcher aims to study—the natural flow of events that comprise the chaotic criminal life.

The core activity in participant observation research is direct observation—watching and listening to criminals in the natural settings of the criminal life. Becker (1970, pp. 39–42) suggests certain elements of such life that frequently repay close observation. The first of these is nuances of criminal language. The second element is the social organization (segmentation, differentiation) of the criminal group. The third suggested element is typical situations and events, such as the criminal acts themselves, situations in which novices are recruited and socialized into those acts and the criminal group or subculture surrounding them, and situations in which criminals are apprehended (since such situations, or the threat of them, critically affect the organization of the criminal's life and his community).

Informant interviewing is also highly important in such research. In fact, some of the best studies of criminals have relied exclusively on this method (e.g., Sutherland 1937; Maurer 1940; Bryan 1965). Dean (1954) offers a generalized typology of specially useful informants, and Irwin (1972, pp. 126–128) recommends the important use of so-called expert informants and the general use of exploiting or arranging group discussions among informants. Useful informants need not be restricted to criminals but may also include those who service, police, or otherwise associate with criminals (Becker 1970, pp. 42–43).

Respondent interviewing also has a place in the study of criminal life, and certain general tactics are suggested by Becker (1970, pp. 38–39) and by Leznoff (1956). Questionnaires and tests are not so successfully employed with criminals, but good supplementary use may be made of existing records maintained by police and courts (e.g., Conklin 1972).

As a final suggestion, it should be pointed out that data obtained from criminals in field settings should not be recorded in those settings. Tape recorders, recording forms, or even narrative note-taking are particularly obtrusive in such settings. Reliance must be placed on making field notes as soon as possible after leaving the field setting and the presence of the observed criminal.

THE VICTIM COMMUNITY

The victims of crime also constitute an increasingly important focus of criminological research (Drapkin and Viano 1974). Victims in this sense extend beyond those citizens whose person or property were offended against to include the entire noncriminal community. After all, the entire community bears many indirect costs of any crime, both economic costs (increased taxes, time lost in jury duty, increased insurance rates) and social costs (fear, distrust, diminished use-benefits of public facilities such as streets and parks). In the case of so-called victimless crimes, such as prostitution, drunkenness, and gambling, it is primarily the community which has been offended against, through disruption of the public order.

The reactions of the civilian community to crimes serve as the key element in the entire system of criminal justice (Reiss 1974).

In the first instance, citizens control most of the input into the criminal justice system by making discretionary decisions to mobilize the police or to seek warrants. The majority of offenses are dealt with by the citizen community without mobilization of the official criminal justice system. Schools, businesses, neighborhoods, and peer groups have internal means of effecting restitution, retribution, isolation of offenders, and deterrence of further offenses. Indeed, private citizens often obtain justice by appealing to these social control mechanisms of the offender's family, church, neighborhood, school, or employer (Nader 1969). As a consequence, relatively few thefts, altercations, or episodes of criminal property damage ever result in mobilization of any official agency of the criminal justice system to be processed as criminal offenses.

Second, since citizen testimony is frequently the sole evidence for adjudicating criminal cases, citizens also control most of the information employed by the system in processing those cases which are initiated. Third, through public reactions and political pressures on the system, citizens effectively determine which laws shall be enforced, when, and where. Finally, citizens control the stigmatization of those offenders who eventually exit from the system.

Direct Victims

In many types of crime, particular individuals are directly victimized—those individuals whose persons or property suffer harm as a result of the criminal act. Who gets victimized? By whom? Through what crimes? When (time of day, week, month, year)? Where (city, neighborhood, setting)? Criminologists have long been interested in the answers to these questions in order to assess the volume of crime in a very practical way as expressing the risks of citizens being victimized by crime (as well as in order to better understand the genesis of crime and to structure crime-prevention programs). A secondary interest in victimization has concerned the extent of victims' losses, in order to assess the costs of crime (e.g., Hawkins and Waller 1936).

Criminological research on these concerns with victimization was for long confined largely to analysis of official crime statistics. In recent years, long-standing dissatisfaction with the reporting procedures underlying official crime statistics (e.g., Biderman 1966*b*; Kitsuse and Cicourel 1963) have given rise to more direct efforts to ascertain patterns of victimization.

Several studies have undertaken respondent interview surveys of probability samples of citizens in order to determine rates and costs of criminal victimization (Ennis 1967; Reiss 1967; Biderman et al. 1967). Despite certain problems in interpretation of results of victimization surveys (Hood and Sparks 1970, pp. 23–32), the utility of this type of research has proved so great that the Law Enforcement Assistance Administration has established a national probability sample of households to be interviewed repeatedly to measure changes and trends in rates and costs of crime. Through the Bureau of the Census, an independent representative subsample of the panel is interviewed each month, rotating so that each household is reinterviewed every 6 months.

In addition to these national estimates, local area data are provided through supplemental sample surveys in 35 of the Nation's metropolitan areas. Such local area data should prove useful in planning crime prevention and control programs in allocating scarce police resources. Moreover, the repeated interviews should provide more sensitive measures of changes in local crime rates, thus affording more valid evaluation of the effectiveness of such programs. Finally, the uniform data collection procedures should permit more accurate comparisons between cities with respect to amount and types of crime.

In addition to assessing amount and type of crime, the National Crime Panel study is to gather data on victim proneness, the costs of crime (physical injury, dollar loss, property damage, insurance protection, medical expenses, altered living habits), and public fear of crime.

The major limitation on the manifold utility of the victimization survey is that its reliance upon self-report of victimization restricts its scope to include only "predatory crimes" (e.g., theft, robbery, burglary, forgery, fraud, assault, rape, murder), since respondents are quite unlikely to conceive of themselves as having been victimized by most service, consumption, or public disorder crimes (Glaser 1970). Moreover, to report nonpredatory crimes might be self-incriminating in many cases.

Within this intrinsic limitation, even the early victimization studies have proved quite informative, showing, for example,

> . . . that only about half the incidents of assaultive violence occurred between strangers; that incidents of person-to-person theft occur inside buildings, including one's own home, with about the same frequency as they occur outside on the street, in playgrounds, parking lots, etc.; that daytime rob-

beries account for about two-fifths of all robberies; and that one in six of the victims of robbery or assault during the course of a 12-month period can expect to be victimized at least one more time during that period. (National Advisory Commission on Criminal Justice Standards and Goals 1973, pp. 199–200.)

The methodological importance of victimization surveys lies in the widespread conviction that official crime statistics represent unreliable and inaccurate measures of the amount and type of crime, due to vagaries of citizen reporting and agency record-keeping. The direct approach of rigorously and uniformly interviewing an unbiased sample of citizens has demonstrated that the true rate of victimization is generally much higher than official crime statistics would indicate. The pilot studies conducted for LEAA, for example, indicate that predatory crimes exceed official police counts by factors ranging from 1.5 to 5, depending on the type of crime.

The central contribution of victimization surveys, however, lies in the data these have generated concerning the attitudes and reactions of direct victims in mobilizing the criminal justice system. The surveys have shown that in at least half of the cases of predatory crime, the victim chooses *not* to mobilize the police by reporting his victimization.

Respondents' reasons for not calling the police are quite illuminating. Crimes against property are frequently not reported to the police because victims (if insured) fear cancellation of insurance or future rate increase and because victims (if not insured) see no personal gain in reporting the loss to police. Crimes against the person are frequently not reported because victims define the offenses as primarily personal matters rather than of police concern; and in general, the more personal the relationship between victim and offender, the less likely is the victim to report any offense to the police. Perhaps the most interesting factor in citizen discretion is the victim's attitude toward the police. The most frequently cited reason for not reporting his victimization is the belief that the police would be unable to do anything about it.

> For property crimes, at least, the hypothesis which survey data seem to support is simply: *The proportion of total crimes that are reported by victims to the police varies directly with the proportion of reported crimes on which the police act effectively.* . . . This may be one reason why improved police work leads to higher police-reported crime statistics: more crime is reported to good police forces, in addition to better records being kept by them. Regularly collected victim survey crime rates could break this particular circle of higher apparent crime rates with improved policing, due to lower discrepancy between police-reported rates and actual rates. (Glaser 1970, p. 144.)

Direct Bystanders

Many crimes are witnessed by citizens other than the offender and his victim. Such bystanders might be expected to render assistance to the victim, at least by mobilizing the police. Although we lack surveys of bystanders comparable to the victimization surveys, it appears that the willingness of bystanders to call the police may be even less than that of victims. The well-publicized unresponsiveness of bystanders to the pleas of murder-victim Kitty Genovese has spurred an important line of social psychological research, summarized cogently in the volume by Latané and Darley (1970*b*).

Bystander reactions to a wide range of simulated social crises have been examined experimentally in field settings as well as in the laboratory. Reactions to situations such as automobile breakdowns (Bryan and Test 1967), medical emergencies (Darley and Latané 1968; Piliavin, Rodin, and Piliavin 1969), collapsing grocery bags (Wispé and Freshley 1971), vandalism of abandoned automobiles (Zimbardo 1969), and petty theft of money from an experimenter (Latané and Darley 1970*a*) have been studied to ascertain the conditions under which bystanders will intervene on behalf of the victim. Latané and Darley (1970*b*) suggest that the intervention process involves a sequence of five decisions: (1) The bystander must notice that something is happening; (2) he must interpret the event as an emergency; (3) he must assume some degree of personal responsibility for helping; (4) he must decide the appropriate form of assistance to be given; and (5) he must implement the intervention.

Bystanders frequently do fail to notice crime episodes or to interpret them as being crimes (Gelfand et al. 1973; Denner 1968).

Perhaps the critical factor in bystander response is the question of assuming some degree of personal responsibility for helping. Assumption of such responsibility has been found to be an inverse function of the number of other persons present in the situation (Latané and Darley 1970*b*). Four reasons for this inverse rela-

tionship are suggested: "(1) Others serve as an audience to one's actions, inhibiting him from doing foolish things. (2) Others serve as guides to behavior, and if they are inactive, they will lead the [bystander] to be inactive also. (3) The interactive effect of these two processes will be much greater than either alone; if each bystander sees other bystanders momentarily frozen by audience inhibition, each may be misled into thinking the situation must not be serious. (4) The presence of other people dilutes the responsibility felt by any single bystander, making him feel that it is less necessary for himself to act." (Latané and Darley 1970*b*, p. 125.)

Deciding upon an appropriate form of assistance and implementing such assistance bears importantly on whether or not the bystander notifies the police. As do victims, bystanders frequently feel that the police would be unable to do anything about the crime. Bystanders feel reluctant to invoke the police in a socially messy situation in which they have no clear personal mandate and which may cost them embarrassment, resentment, delay, and possibly physical danger of reprisal. Given the large proportion of crime victims who choose not to mobilize the police, the reluctance of bystanders to do so—in possible contravention of the victim's desires—is perhaps not unfounded.

As is the case with reporting by victims, bystander mobilization of police may be expected to vary according to the nature of the offense. Certainly, the perceived likelihood of effective police response, as well as the bystander's risk of incurring costs, differs for various types of crime. The research on bystander intervention in noncriminal emergencies suggests also that the seriousness of the emergency is positively related to rate of intervention.

Social characteristics of the bystander, the victim, and the offender—such as age, sex, race, class, and subculture—undoubtedly influence probability of bystander reporting of crime. Research on bystander intervention more broadly has shown that rates of intervention are clearly linked to such characteristics of the bystander and suggests some effect of victim characteristics, as these condition the liking or sympathy for the victim felt by the bystander. A promising research focus, then, would be the investigation of bystander reporting of crime as a function of interaction among various roles and social statuses (e.g., old store-keeper-victim, female pedestrian-bystander, young white customer-offender).

Of course, in many crimes the victim is a corporation rather than an individual, as in most retail theft and check forgery.

Smigel's (1956) study of public attitudes toward stealing from businesses clearly shows that little sympathy is felt for such corporate victims, suggesting that bystanders would have little inclination to report observed crimes against corporations, such as shoplifting episodes.

Several studies of joint design, combining field experiments in natural settings with respondent interview surveys, have been undertaken to evaluate this suggestion (Gelfand et al. 1973; Steffensmeier and Terry 1973; Terry and Steffensmeier 1973). In the Gelfand study, for example, shoplifting incidents were staged by a research accomplice in two outlets of a drugstore chain in contrasting neighborhood locations, with cooperation of the management, and videotaped by the research staff through a one-way mirror along one wall. Bystanders selected to be exposed to these incidents were unaccompanied adults, out of the visual field of any sales clerk but in a position to observe the shoplifter easily. No other customers could be within 30 feet of the bystander within the same aisle.

The young female research accomplice (shoplifter) was directed by means of radio communication with the observing research staff. When an eligible subject approached, the shoplifter (carrying a miniature radio receiver in her purse and wearing a concealed earphone) was instructed to begin her shoplifting performance.

The first step in the performance was to attract the subject's attention, by dropping an article, rattling a package, or reaching for an item very close to the subject. Next, when notified that the subject was watching her, she blatantly removed several inexpensive items and stuffed them into her purse. She then hurried directly to the front of the store and out the door without paying the cashier.

Two observers independently rated the degree to which the bystander appeared to notice the shoplifting incident. Whether the bystander reported the incident was determined by watching him until he passed the check-out stand and asking any store personnel with whom he was seen to converse whether he had reported the shoplifting to them.

When the subject was beyond the check-out point, he was approached by an interviewer to assess his awareness of and reactions to the incident, his rationale for reporting or not reporting it, his attitudes toward shoplifting and factors which would dispose him toward reporting a shoplifter to the management, and certain background characteristics. Whether or not the by-

stander consented to the interview, he received a printed handout describing and explaining the study.

The 336 observations were approximately balanced with respect to age and sex of bystander, hour and day of the week, store location, and appearance of the shoplifter (hippie versus conventional clothing). Approximately half of those approached for an interview granted the request, although these were drawn disproportionately from those who had reported the shoplifting.

Despite the careful efforts of the researchers, only 28 percent of the bystanders were judged to have noticed the event. Many of those interviewed said they were uncertain whether the young lady was truly shoplifting. These results thus sustain Latané and Darley's (1970*b*) model, in that many bystanders fail to notice the event or fail to interpret it as a crime.

Similarly, Gelfand et al. found through the interviews that many failed to assume personal responsibility for intervention, since other people—namely, store employees—would and should assume responsibility for detecting and responding to shoplifting. Of those interviewed, 41 percent mentioned the possibility of either a countersuit by the person they accused or of demands for court appearances as reasons they would hesitate to report a shoplifter.

Apparently, some bystanders were unable to decide upon an appropriate mode of intervention. Still others did decide that reporting to store personnel was appropriate but stated in interviews that the absence of nearby sales clerks deterred them from implementing that intervention decision.

In the Gelfand field experiment, the nature of the crime, the mode of intervention, characteristics of the victim, and the absence of other bystanders were held constant, but characteristics of the offender and of the bystander varied. The appearance of the shoplifter (hippie versus conventional) had no effect on the rate of reporting, a finding contradicted by Steffensmeier and Terry (1973). Gelfand et al. (1973) did find that bystander characteristics were related to reporting, with men, the middle-aged, higher socioeconomic status, and those of rural background reporting more frequently. Again, these results are not entirely consistent with those of Steffensmeier and Terry (1973).

Further field experiment/surveys of this type are clearly required in order to clarify the effect of offender and bystander characteristics. A wider range of offenders (varying, for example, in sex, age, and race) should be employed, preferably within a single study. Terry and Steffensmeier (1973) also suggest that characteristics of the corporate victims should be compared as these affect the rate of reporting shoplifting incidents.

The results of field experiments on bystander response to shoplifting episodes might also be followed up through analysis of physical traces. In the past few years many stores have installed closed circuit television systems in an effort to curb shoplifting. Cameras peer down at customers from a variety of angles and relay pictures to a monitor screen (or a bank of monitors) watched by a single attendant. Through the cooperation of management, it would prove quite feasible (technically and economically) to simultaneously record these pictures by means of portable videotape recorders. Through analysis of the resulting videotapes, the noticing reactions of bystanders to any detected incidents of shoplifting, for example, could be rated by the procedures of Gelfand et al. (1973). The effect of social characteristics and of the presence of other bystanders on such noticing reactions could also be observed, although their effects on reporting behaviors (analogous to the results of Steffensmeier and Terry 1973) might prove less amenable to analysis of videotapes of nonmanipulated shopping behavior.

Indirect Victims

A crime or series of crimes has wider impact on the citizen community extending beyond the impact on the direct victims. Such an event may lead to a wave of panic purchases of locks and guns, to a wave of citizens being stopped and frisked on the street, to increased insurance rates, to a general curfew or curtailment of retail business hours, to diminished availability of taxi cabs, to increased racial tensions, or to parental curtailment of children's activities. Such a ripple effect engendered by community response to a crime or crime series represents a significant indirect cost of crime. When one citizen is victimized directly, the entire community is victimized indirectly to some degree. Such indirect victimization is a little-studied area deserving of much greater attention (Conklin 1975).

Neighborhood groceries or pharmacies are frequently forced to close as a result of criminal victimization (directly, through excessive losses in robbery or through murder of the owner, or indirectly, through inability to obtain or afford insurance). In high-crime areas, the closing of such establishments has particularly adverse effects upon neighborhood residents (Reiss 1969).

> This not only causes a decline in the services available to the people, forcing a rise in prices because of a reduction in competition and consuming more of their time in shopping

> because they must go greater distances to do their marketing; it also increases the dangers they must face. At night, large numbers of people do not go out of their houses. If a person must go to a store, an exact route is often followed that is calculated to avoid dangerous blocks and corners. Each time a store is closed, the people who depend on it must suffer the anxieties and dangers involved in testing and developing a relatively safe route to a new store (Rubinstein 1973, p. 354.)

The study of such effects lends itself well to the type of research design that Biderman (1966*a*, pp. 272–301) has designated as the anticipatory study with standby research capability. That is, the researcher need not wait until such a store closes before undertaking his research, attempting after the fact to identify the former patrons of that store, their former shopping patterns and anxieties, and their new patterns and concerns. Such a procedure places undue reliance on retrospective information, particularly fallible concerning subjective aspects. Biderman suggests that an event—such as a store closing—may be anticipated with high probability, though perhaps with considerable uncertainty as to when, where, and with what effect. In such circumstances, baseline ("before") data might reasonably be collected in anticipation of the event and a standby research capability maintained for mobilization should the anticipated event occur, providing occasion for the collection of effect ("after") data.

In such a study, the researcher might choose to obtain objective and subjective information on the shopping patterns of a large sample of neighborhood residents by means of respondent interview survey, in the reasonable anticipation that one or more neighborhood stores would be forced to close within the relatively near future. Upon conclusion of the survey, he would maintain contact with the neighborhood (and his dormant survey staff). If one or more of the stores did close, he would reinterview the same panel of respondents to assess the effects—perhaps once at the time the closing is announced and again a month later when the respondent's new patterns had become established. If the researcher's anticipation did not materialize (no store closed before his initial survey panel became too scattered), he at least has obtained cross-sectional data for a description of neighborhood shopping patterns in a high-crime area.

To choose another example of indirect victimization, the wave of airline skyjacking triggered a heavy deployment of security personnel and equipment in order to prevent armed passengers

from boarding airliners. In addition to the indirect financial burden of this security system, the traveling public had imposed on it additional delays, queuing time, and invasions of person and property. In many airports, friends and family were no longer permitted to enter the boarding area to see passengers off or to meet them. In evaluating this security program, such social costs should be directly considered, if for no other reason than that their imposition may have a dampening effect on potential airline patronage.

A researcher might undertake a conjoint observation-interview survey of passenger reactions to undergoing the security checks. For example, the researcher might take up a position beyond the clearance area and visually select a rigorous systematic sample of passengers. He could then systematically observe the manner and the various possible outcomes of the check procedures and the passenger's overt reactions to them. For example, a passenger who failed the automatic metal detector test and was then subjected to frisk may become overtly belligerent, humiliated, or unexpressive. Each of the sampled passengers could then be approached for a short respondent interview to determine some of his personal characteristics and his expressed reactions toward security personnel and procedures and toward continued airline travel. It might be found, for example, that female passengers frisked by male security officers are more unfavorable to continued airline travel than those frisked by female officers, or that overtly embarrassed passengers are more unfavorable to continued travel than are overtly belligerent passengers.

Indirect Bystanders

Just as every citizen is indirectly victimized by any crime, so is every member of the offended community an indirect bystander to that crime, who may or may not through his reactions to the crime indirectly mobilize the criminal justice system of that community. Civilian reaction to crime, generating community political pressures, is ultimately the most significant determinant of the character and functioning of the criminal justice system. Community norms and pressures determine which offenses and offenders are policed and punished, for example, and determine whether the police force is crime-oriented or the courts are corrupt.

Community reaction to crime is largely channeled and mani-

fested through the actions of its news media. Newspaper and television news coverage of both crime and the criminal justice system exert very important influence on citizen reactions and ultimately, thereby, on the criminal justice system itself. Police, courts, and corrections are acutely sensitive to the possibility of news media coverage producing public outcry concerning their operations. Adverse publicity concerning even an isolated embarrassing incident is feared, and the possibility of a sustained exposé and reform crusade by newspaper or television is particularly dreaded, for once such a media crusade is undertaken, political pressures on the criminal justice agency nearly always force at least token adjustments in agency staffing, organization, or procedures.

Following Wiseheart's (1922) study, several studies have shown that the amount of news coverage devoted to crime is substantially unrelated to the actual amount of crime, both overall and by type of crime (e.g., Roshier 1973). Some types of crime (especially murder, but also all other crimes against the person, robbery, fraud, blackmail, and drugs) are significantly over-covered, while other types receive disproportionately low coverage.

By combining measures of news coverage (Harris 1932) and official crime rate statistics with respondent interview surveys of citizen perceptions of crime, other studies (Davis 1952; Roshier 1973) have suggested that public perceptions and concern about crime may be more importantly influenced by amount of crime coverage than by amount of actual crime.

Some factors in determining the amount of crime coverage are explained by Rock (1973). Whether, and how, a particular crime receives news coverage is primarily a function of its unusualness, seriousness, human interest, and drama (Roshier 1973). Although editors and producers greatly influence the treatment of crime news, the primary discretionary decisions in media reaction to crimes are made by crime reporters. The good crime reporter probably has the best overall view of crime and criminal justice of any agent in the community. His relationships with criminals, police, courts, jails, political figures, and the public should be the envy of any criminologist. Virtually unstudied, the crime reporter represents not only an untapped resource for the criminological researcher as field sponsor and expert informant, but also a vital agent of community reaction whose activities and discretionary decisions would repay direct field study (Tunstall 1971).

News coverage of crime importantly shapes public definitions and images of criminal types (Turner and Surace 1956; Cohen

1972) and community areas (Fuller and Myers 1941; Young 1971), and often thereby determines community response to such persons and areas (Sutherland 1950; Young 1971). The volume by Cohen and Young (1973) represents an excellent anthology of research on the selection, presentation, and effects of news coverage of crime and deviance.

Although largely shaped by the news media, public reaction to a crime or series of crimes must itself be measured. As noted earlier, respondent interview surveys occasionally study public perceptions and fear of crime, opinions on police and court effectiveness, and desired criminal legislation.

An alternative approach to measuring public reaction to crime is to rely upon unobtrusive standardized observation of spontaneous conversations in public places, encoding all comments bearing upon crime and criminal justice, in much the spirit of the British Mass-Observation movement (Madge and Harrison 1939). Upon exhaustive review of the development of general conversational sampling studies, Webb et al. (1966) conclude that:

> (t)he essential problems have been the representativeness of the sample collected. The unobserved observer . . . must be sensitive to the limitations of self-selection of subjects, a problem of external validity, and the limitations of the probable partial character of public-conversation samples. Any public conversation may be constrained because of the "danger" of being overheard. Many of the inaudible comments in public are likely to be drawn from a different population of topics than those loudly registered. Moreover, . . . the method requires a careful selection of both place- and time-sampling units to increase representativeness, and these controls will not be the same over different geographic locales. Sampling bus conversations in Los Angeles and in Chicago yields a population of very different subjects. Moreover, these data are typically loosely packed, and it takes a substantial investment in time and labor to produce a large enough residual pool of relevant data. For all these limitations, however, there are research problems for which private commentary is not a significant worry, for which the adroit selection of locales and times can circumvent selective population characteristics, and for which the issue is of sufficient currency in the public mind to reduce the dross rate. For these situations, conversational sampling is a sensitive and faithful source of information. (pp. 133–134.)

Public commentary on crime and criminal justice would seem to be a problem of just this sort. Spontaneous public conversations in stores, bars, restaurants, barber and beauty shops, lobbies, bus stations and airports, subways, buses, commuter trains, taxis, parks, parties, or business and residential sidewalks are unlikely to resort to whispered or censored comments when the topic of crime arises. Careful attention to time-, locale-, and person-sampling within such places is likely to generate a reasonably representative sample of public conversations. The dross-rate problem may be diminished by piggybacking studies of other publicly expressed concerns (e.g., race relations, inflation) onto the conversational sampling study of public commentary on crime.

Further validity might be obtained by moving from a simple cross-sectional survey to a before-after comparison design, so that representativeness of sampling becomes subordinated to comparability of sampling in the two waves of observation. For example, the first wave of conversational sampling might be undertaken as the base-line stage in an anticipatory study with standby research capability (see page 148; Biderman 1966*a*). Such a design might be appropriate for research in a small city where two or three murders a year might be expected. The base-line measurement could be undertaken at any point when no local murder was a salient public concern, thereafter maintaining a standby capability for a second wave of conversational sampling in the anticipation of occurrence of a local murder and attendant publicity and concern. If the sampling in both waves were closely comparable, the results of such a study would measure the increase in expressed public concerns about crime produced by a single serious crime and the resultant news coverage of it. The addition of a third or even a fourth wave of data collection would permit assessment of the rate of subsequent decline in citizen concern.

CHAPTER 3

Observing the Police

Of all the official agencies in the criminal justice system, the police exercise discretion over far the largest number of citizens. The discretion of the police officer to decide whether an offense has occurred and, if so, what police action should be taken has surely been experienced by anyone who drives an automobile. A citizen driving 5 m.p.h. above the posted speed limit, in view of a police car, knows that the officer may or may not stop him, may ticket him or issue a warning. Moreover, the citizen knows that the car ahead of him, though speeding identically, may not be stopped by that officer. That is to say that citizens are well aware of the disparity of outcomes that derive from the discretionary powers of the police.

Much of the social science research on the police during the past decade or so has been directed toward analysis of police discretion and resultant disparities, a direction reflected in the present review.

THE VARIETIES OF POLICE WORK AND THEIR STUDY

Reiss and Bordua (1966) attempt to show how police discretion and disparity stem in good part from the general organization of modern police work. As a largely reactive force, primarily dependent upon citizen mobilization, the police officer functions in criminal law much like a private attorney functions in civil law—determining when the victim's complaint warrants formal action and encouraging private settlement of disputes whenever possible. Among such private arrangements protected by the police are included their own relationships with various categories of citizens, so that the degree to which formal legality is extended by police to different categories of citizens varies considerably. Such disparate treatment is difficult to control, given that policing is a highly decentralized operation involving widespread spatial deployment of large numbers of officers working alone or in very

small units beyond the range of effective direct supervision. Decisions by officers thus do not lend themselves to either command or review; beyond training, briefings, and policies, control over officers largely takes the form of productivity demands—for volume of arrests, parking tickets, pedestrian stops, etc. (Rubinstein 1973, pp. 43–54). Skolnick (1966) argues that the police officer is confronted with conflicting demands by his organization: productivity and adherence to a set of formal procedures that make productivity difficult or impossible. Since productivity is a matter of record and procedural adherence is of low visibility to the officer's superiors (though of central importance to the courts), officers tend to resolve their dilemma in favor of productivity.

Having so resolved, police are frequently faced with the situation that the legal outcome of their formal actions (e.g., arrests) are unsuccessful. Their sense of competence and morality is affronted. "Many police see two broad classes of violators—those who deserve to be punished and those who do not. For the police, justice is done by *them* when they let a man go; he does not deserve to be punished. But justice must be done by *some other means* when they arrest" (Reiss and Bordua 1966, pp. 37–38). If the prosecutor and the courts are not seen as constituting such other means, the police frequently will employ their own means of achieving justice *without* trial—such as harassment, incivility, and even brutality (Skolnick 1966; Reiss 1971*b*, pp. 121–156).

One further feature of the general organization of modern policing that contributes to police discretion over citizens is that although police are charged with enforcement of the law, they are also assigned primary responsibility for maintaining the public order and very heavy responsibility for providing a wide range of civic services (informational, paramedical, etc.). In a given situation, these responsibilities may not be compatible; the officer may choose to ignore a minor law violation in order to sustain his current involvement in maintaining order or transporting an injured person to the hospital.

There are more than 40,000 public law enforcement agencies in the United States (U.S. President's Commission on Law Enforcement and the Administration of Justice 1967), as well as some 4,000 private security agencies (Kakalik and Wildhorn 1971). These public and private police agencies vary widely in legal jurisdiction, size, resources, internal organization, and community role. Despite the recent upsurge in research on police, only a very narrow segment of this wide range of police agencies has been the object of direct study. Wilson (1968*a*, 1968*b*) has analyzed

certain variations in the internal organization of police agencies, emphasizing variations in the community role of police agencies—the predominant administrative emphasis placed on the various police responsibilities.

In these works, Wilson found that some agencies are characterized by a *watchman style*, emphasizing the responsibility for maintaining public order. The policeman in such an agency sees himself as a peace officer, ignoring or handling informally many minor violations of the law and paying much greater attention to local variation in the demand for law enforcement and order maintenance. The role of peace officer affords the policeman very great discretion since peace-keeping is poorly structured by law or by agency regulation. Other agencies exhibit a *service style* in which citizens expect more personalized attention by police to their private needs and demands. The predominant role of the policeman is one of public servant. Finally, other agencies display a *legalistic style* in which law enforcement takes precedence over order maintenance or public services. The policeman is viewed as a law officer, treating even minor violations as matters for arrest.

Banton (1964) had proposed that the style of policing in a stable community is a reflection of the moral consensus in that community. Wilson (1968*a*, 1968*b*) and Gardiner (1969) found evidence that police agencies may indeed apply local standards of policing, communicated in part through the pressures of community politics. Clark (1965) showed that the attitudes of police officers tend to be significantly more similar to those of the public than are the attitudes of other public agency personnel.

Cain (1971, 1973) has probed most deeply into the manner in which the police officer's role is shaped by the local community through community influences on the nature of the police department. In a comparative study of one rural and one urban police department in England, Cain sought to analyze the policeman's role as a resultant of the influences of three reference groups—his family, his community, and his department.

The methodology of Cain's study deserves some special attention as an application of field methods. Her research design was essentially a standardized respondent interview survey of a systematic sample of officers in each department, conjoined with concomitant participant observation of patrol work in each department (Cain 1973, pp. 7–13, 247–285). Over time, however, the primary focus of the design shifted. The participant observation:

> . . . was first intended simply to enliven the rather bald discussion of tabulated responses; very rapidly it became evident that it also served the purpose of establishing *rapport,* so that in many cases it would be fair to say that it was the observation work which made the interviews possible. I would guess . . . that it also improved their validity . . . The observational records make it possible to 'go behind' the interview data so that the responses given are themselves explained in terms of the structure of the policeman's life space and the sense which he makes of it.
>
> . . . As my knowledge of on-going police work became more complete the inappropriateness of many of the [interview] items became increasingly evident, on two levels. First, some of the situations and sentiments about which questions were asked were more meaningful in the researcher's world than in the policeman's. Second, even when the situation or feeling under discussion was one which was recognized by the policeman, it was not always presented or expressed in his concepts or language, so that he was constantly having to make conceptual leaps . . . For these reasons when the [interview] data and observational data conflict—as in the discussion of differential interdependence with the community in rural and urban areas, which is not fully reflected in the scaled scores or in the responses to the hypothetical situations—in these cases I have chosen to regard the data gathered by observation and informal conversation as more valid than those gathered in answer to the structured interview questions. (Cain 1973, pp. 9–10.)

Relatively few field studies will delve so deeply into the effects of community type and agency type on the role performance of the policeman. Nevertheless, variations in the nature of police organizations do appear to be an important determinant of variations in officer conduct; wider comparative analysis of police agency organization remains an imperative need in criminological research.

One relatively inexpensive field study approach that holds some promise is what some ethnologists call *field-manual ethnography.* As this approach was first employed in the 19th century, knowledgable external informants—each in contact with a different culture or organization in the set to be compared—are asked by mail to answer a specific set of questions about the organization with which they are in contact. In more contemporary developments (D. Campbell and Levine 1970), fieldworkers known to be currently in contact with relevant organizations are each asked to carry out a small number of informant interviews with members of his own subject organization, in accordance with a standardized interview guide, or field manual. In either fashion, the initial costs and difficulties of establishing working field relations with a number of organizations have already been absorbed by the independent projects, thus effectively subsidizing the costs of the comparative research. Sociological fieldworkers known to be engaged in independent studies of police organizations could profitably be approached to participate in such field-manual ethnography, adding greatly to our comparative knowledge of the varieties of police organization.

A related approach, of comparable cost efficiency, is the mail questionnaire survey of knowledgable *internal* informants, in which several members of each organization occupying comparable positions across organizations are sent questionnaires asking them to report on specific aspects of their own organization. Mail surveys of internal informants are not unknown in research on police (e.g., Ward 1971), but recent methodological refinements permitting new heights of rigor (Seidler 1974) invite renewed application to the study of police organization.

Beyond the effect of the organizational nature of the police agency as a whole, the policeman's conduct may be greatly influenced by his position within that agency. While police work varies among agencies, in the case of large agencies police work and perspectives on policing may vary even more widely *within* a single agency. The patrolman does police work different from the detective, the captain from the corporal, and the headquarters sergeant from the beat sergeant. Division, rank, and setting importantly affect the work and perspectives of policemen. Oddly enough, few field studies have seriously examined such intra-agency factors.

The American Bar Foundation studies employed team participant observation to investigate the functioning of various divisions within each of a number of police agencies (particularly well within the Detroit Police Department) (McIntyre 1967). As a solo participant observer, Skolnick (1966) undertook comparative study of divisions within one West Coast department. Cain (1971, 1973) and Westley (1970) employed conjoint participant observation-respondent interview survey design in similar studies. Tifft (1970) employed a field staff to conduct direct observation surveys of the field activities of several divisions of the Chicago Police

Department, conjoined with his own respondent interview survey of the corresponding divisional sergeants in his study of police supervision.

Although these studies cut across ranks as well as divisions, the Tifft (1970) study of sergeants stands out as perhaps the most explicit study of any of the supervisory ranks. Almost all research on police work has focused on the activity of personnel in the lowest ranks.

Similarly, the majority of police studies have largely confined themselves to an examination of the work of the patrol division, easily the largest division in any modern police agency. Such studies have been very productive, however, and have introduced important advances in the application of field methods.

For example, the large-scale direct observation survey of patrol work within three types of police command structures (Boston, Chicago, and Washington, D.C.), undertaken by Albert J. Reiss, Jr. for the National Crime Commission, did much to establish the utility and feasibility of the direct observation survey design (Reiss 1968, 1971*a*, 1971*b*; Black and Reiss 1967, 1970; Black 1968).

Within each city, a purposive sample of comparable high-crime black and white police precincts was selected. Within each precinct, a probability sample of tours of patrol duty was drawn. Twelve trained observers were assigned to these sampled 8-hour tours of duty in each city. During each tour, the observer maintained a bare list of police-citizen encounters. At the conclusion of the tour, the observer recorded his observations by completing a standardized, precoded observation schedule (much like a questionnaire or an interview schedule). One schedule recorded a detailed summary of overall activity and police conduct during the tour. In addition, a more detailed schedule was completed for each police-citizen encounter; the content of the schedule varied somewhat, depending on the source of the encounter—dispatch, citizen field mobilization, or on-view response by the patrolmen. (See the appendix for a copy of the schedule for a radio dispatched encounter.) Overall, through 7 weeks of observation in each city, the observers reported on 5,360 mobilizations (of which 28 percent failed to produce any transactions with citizens). The accuracy of each completed schedule was thoroughly reviewed by a field supervisor.

Tifft (1970) employed very similar procedures, with more highly detailed observational schedules, supplemented by rather minutely detailed narrative accounts of each police-citizen encounter, dictated (through a tape recorder) upon completion of each schedule.

The demonstrated utility of such detailed hard data on police-citizen interaction obtained through direct observation survey design encouraged others to seek even more highly detailed interaction data, comparable to interaction analysis as it is carried out in the social psychological laboratory. Rather than taking an entire police-citizen encounter as the basic unit of data collection, each utterance or gesture by officer or citizen could be categorized, thus permitting deeper analysis of the interaction sequence. Richard Sykes and John P. Clark designed a similar direct observation survey of police-citizen encounters in Minneapolis, employing a staff of trained field observers to accompany and observe patrol tours (R. Sykes and Clark, in press; Lundman 1974).

The relatively microscopic detail of their observations precluded primary reliance on post-tour recording or the use of an observational schedule for recording observations. Sykes and Clark instead devised a category system (derived from Bales' Interaction Process Analysis and similar observational category systems) and adapted existing electronic hardware for instantaneous digital recording. Observers then instantly categorize and encode each act of officer or citizen and record a digital code identifying the actor, the act, and its recipient. The recording is accomplished by pressing digitized buttons (much like dialing a touch-tone telephone) on the battery-powered recording device. This instrument, of approximately the size and weight of a standard dictionary, contains an automatic timing device and a cassette tape recorder, so that each code entered is permanently recorded along with the time of its entry. At the conclusion of each tour, the cassette was electronically read into a standard computer, which entered the data into a cumulative data file and also printed out a visual record of the data for that tour. Trained supervisors then reviewed the printed record with the observers for accuracy of recording, and any errors were corrected within the computer's data file (Wallen and Sykes 1974).

Use of this Minnesota Data Collection and Reduction System (MIDCARS) in team research, employing direct observation survey design, raises several general methodological questions in pointed form.

First, although Sykes and Clark report few adverse reactions by police or citizens, the visible presence of the recording device might be expected to add to any possible reactive effects of the presence of an observer. Perhaps by now citizens are accustomed

to police adoption of an immense variety of novel hardware and are prepared to assimilate this instrument to walkie-talkies and the like. In any case, the emotional potential of police-citizen encounters is such that only in the most casual encounters was the recording instrument likely even to be noticed.

Second, the use of very complex category systems by several observers (by the Reiss and Sykes and Clark teams) raises to an acute level the general concern about reliability of observational data. Methodological studies have shown interobserver agreement to be generally overestimated and difficult to maintain even through use of continuing spot checks (Jones, Reid, and Patterson, forthcoming). Interobserver agreement is found to be inversely related to complexity of the code and of the behavior to be recorded. More comprehensive designs for analyzing facets in the reliability of observational scores (Medley and Mitzel 1963; Cronbach et al. 1972) enable more discriminating assessment of the effects of using several observers. Results of such analyses (e.g., Jones, Reid, and Patterson, forthcoming) tend to indicate that with adequate training and control, multiple observers can indeed apply rather complex codes to behaviors in varying situations such that the resulting observational scores exhibit quite satisfactory reliability (or generalizability). In the Sykes and Clark study, continual monitoring and retraining of observers did result in quite adequate reliability of observation (R. Sykes and Clark, in press).

Despite these landmark advances, solo participant observation of the traditional sort has retained an important role in the study of patrolmen (Rubinstein 1973; Buckner 1967). Rubinstein's account of patrol in Philadelphia represents perhaps the most thoroughly penetrating analysis of patrol work yet available.

Other internal divisions of police agencies have received less attention. Skolnick (1966), Tifft (1970), and Gardiner (1969) examined the distinctive work life of police within the traffic division, and Tifft's (1970) study included direct observation survey of police work within the tactical force division. The work of juvenile officers has been studied by Goldman (1963), Wilson (1968*a*), and Cicourel (1968).

Detectives and vice control officers received important attention in the relatively comprehensive studies of police agencies by Skolnick (1966), Westley (1970), Cain (1973), and Tifft (1970). Additionally, several solo participant observation studies have dealt solely with detectives and/or vice officers (Cummins 1967; DeFleur 1975; Schiller, in preparation; Sanders and Daudistel

1974). These studies indicate significant variation in detective or vice work according to offense-type specializations among officers. Ward (1971) sought to compare the effectiveness of specialists and generalists, in a conjoint participant observation-respondent interview survey design applied to two large police departments, supplemented by a mail questionnaire survey of a national sample of other departments.

Whatever the ranks and divisions included in a study, virtually every police study has confined data collection almost exclusively to the street activities of the police. The district or precinct station house is both the organizational locus of most police work (Rubinstein 1973) and the site of most post-arrest processing of suspects. The American Bar Foundation studies (e.g., McIntyre 1967) paid systematic attention to station house booking, search, photographing and fingerprinting, detention, and interrogation of suspects, as did Tifft's observers (although those data have not been published). Skolnick (1966) and Reiss and Black (1967) included some study of interrogation. Yet another important setting of police work—central headquarters—has virtually escaped direct study, even though city-wide divisions, central records, dispatchers, and central detention facilities are situated there.

In general, then, it is to be desired that the growing body of police research will more thoroughly and systematically take into account the very considerable inter- and intra-agency diversity in police conduct (Clark and Sykes 1974).

POLICE DISCRETION AND DISPARITY

In the conduct of the many varieties of police work, officers exercise discretion over citizens in making a considerable range of police decisions. As a result of large numbers of officers making discretionary decisions, disparities in treatment of citizens arise among officers.

One important focus of research, then, is to seek an understanding of police discretion. The prototypical research design is to examine the discretionary decisions of a single officer, seeking to explain differential outcomes as a function of the nature of the offense and the nature of the offender. (For the results to be of much significance, of course, parallel analyses would have to be made for a number of comparable officers.)

In the previous chapter, the nature of offenses and of offenders

received some discussion. One approach to the general discretion design is to examine the effect of *selected characteristics* of offenses (e.g., degree of harm done) and of offenders (e.g., age, sex, race, interactive demeanor, prior police record) upon treatment received. Another approach is to examine the effects of *types* of offenses (e.g., robbery vs. theft from a person) and of offenders (e.g., professional heavy vs. occasional property offender) upon treatment received. Preferably, the typologies to be employed in such a study would be the typologies ordinarily used by the officers themselves (if any), but alternatively, typologies derived from criminological theory or research might be employed. Whichever the source of the typologies, they must comprise an exhaustive and mutually exclusive set of types, and the researcher himself must apply the typology to the cases.

Whether the offenses and offenders are classified by means of selected characteristics or of typologies, the statistical analysis of the treatment data must be multivariate in design. That is, to assess the effect of, say, the nature of the offender on treatment outcome, the research must through statistical procedures hold constant the effect of the nature of the offense. Similarly, assessing the effect of the nature of the offense on treatment outcome requires holding constant the effect of the nature of the offender. Whenever possible, both effects should be so analyzed, thus permitting the researcher to judge which effect is more important. If the data and the researcher's statistical resources permit, the statistical interaction, or joint effect, of offense and offender should also be examined.

A related line of research deals with disparity of citizen treatment among officers. The prototypic research design is to examine differences in treatment outcome among officers for a single combination of offense and offender types. By relating differences in personal and contextual characteristics of the officers to differences in treatment of citizens in this standard situation, some understanding of the sources of disparity may be gained.

Both of these general research designs will be referred to frequently throughout this monograph, as they are applicable to the study of the functioning of a wide variety of agents in the criminal justice system. Such further applications may be located through the methodological index to this monograph.

Existing police studies suggest much about the range of discretionary decisions amenable to research and some of the factors influencing both discretion and disparity. Since the bulk of police work is undertaken in response to citizen mobilizations, discretionary decisions in such reactive police work will be reviewed first.

Because radio dispatched patrol work is the largest proportion of police work, the communications center is at the heart of modern police organization, yet is almost unstudied, save for Rubinstein's (1973, pp. 69–123) analysis of radio dispatch crews in Philadelphia. The dispatch crew answers all telephone calls made to the police emergency number, interviews the callers to identify the nature and location of the reported problems, and decides whether to dispatch a patrol car. In a study of calls to three departments, Bercal (1970) found that 20–40 percent of the calls are handled without dispatching a car. Many of the calls are requests for services or information, complaints about the police, etc. (Bercal 1970; Reiss 1971*b*, pp. 8–15, 70–72; Cumming et al. 1965; Webster 1973). Even calls on ostensibly criminal matters are frequently crank calls or essentially civil matters in the eyes of the police. Direct study of factors influencing the dispatcher's discretionary response to citizen emergency calls is much needed and is facilitated by the police practice of maintaining recordings of the dispatchers' telephone conversations and radio output. Little is known of the influencing factors, although McIntyre (1967) mentions a few examples, such as judged intoxication of the complainant.

If the dispatcher does decide to dispatch a car, he must decide the nature of the assignment (e.g., "open property" vs. "burglary") and which car to assign. Such assignment tends to be made on the basis of territorial responsibility of cars, though such is frequently confounded by momentary work loads, in which case proximity to the scene may become the operative basis. Rubinstein (1973) also suggests that dispatchers may use assignments to chastize patrolmen not on good relations with the dispatchers.

If a car is dispatched on a given assignment, the patrolman must decide whether and how to comply. He may informally signal the dispatcher that he is disinclined to accept the assignment, in which case the dispatcher may assign it to another car. In some cases, another patrolman may ask to take an assignment which he knows is distasteful to the assignee or to which his car is closer. Otherwise, according to Rubinstein, the patrolman must accept the dispatcher's assignment. The speed and willingness with which he complies are another matter, however. He may procrastinate on his way, only perfunctorily investigate the location, or even lie about having investigated the call. Some of the factors in patrol-

men's response to dispatch assignments are suggested in Rubinstein (1973, pp. 87–123).

If the patrolman does investigate a call, he frequently must decide whether a crime has been committed. Reiss (1971*b*) found that in Chicago, while citizens defined 58 percent of their complaints as criminal matters, patrolmen responding to these dispatches officially processed only 17 percent as criminal matters. In many cases, of course, what citizens regard as criminal is, at law, a civil or private matter. In other cases, such as disputes and disturbances, the officer could reasonably process a matter as criminal but prefers to treat it as a civil or private matter. In many instances, because the complainant withholds information upon the arrival of the officer, the police are left with inadequate grounds to process a matter as criminal. Black (1968, pp. 188–194; 1970) found that police tended to follow the preferences of complainants in deciding to process incidents formally or informally, especially when the complainants were deferential to the officers. Detectives subsequently assigned to investigate reported crimes have strong incentive to unfound the report whenever plausible in order to improve the division's clearance rate. The classic study of the decision as to whether crime has occurred is the American Bar Foundation research, as reported in Tiffany, McIntyre, and Rotenberg (1967).

Of course, reactive police entry into a field situation gives rise to numerous other possible action decisions by the patrolman—to provide assistance or suggestions, to make threats or employ necessary force, to frisk or interrogate suspects, to call for the field sergeant, etc. All of these discretionary actions have been studied in one fashion or another and might well be approached through the general discretion and disparity designs.

If in the reactive situation it is decided that a crime has occurred, the police will seek to obtain from witnesses an identification or description of the offenders. If the whereabouts of the offenders is unknown, a description of the offenders will be communicated to patrolmen in an effort to locate and identify the offenders. Rubinstein (1973, pp. 227–235) suggests some of the factors that influence patrolmen's decision to stop and interrogate particular citizens in the attempt to locate and identify the described offenders.

The most frequently discussed discretionary action of the police is the decision whether to arrest a suspect (R. Sykes et al. 1974). The classic account of factors influencing that decision is LaFave (1965), reporting the research of the American Bar Foundation

team. With respect to arrest for purposes of prosecution, Reiss (1971*b*) notes that in his team's observations of citizen-initiated encounters with the police, officers decided not to make arrests of suspect(s) for 43 percent of all felonies and 52 percent of all misdemeanors judged by the trained observers as situations where an arrest could have been made on probable cause.

> Something other than probable cause is required, then for the officer to make an arrest . . . His decision . . . will be influenced, as it is in the courts, by the deference and demeanor of the suspect, argument as to mitigating circumstances, complainant preferences for justice, and the willingness of the complainant to participate in seeing that it is done. All in all, an officer not only satisfies probable cause but also concludes after his careful evaluation that *the suspect is guilty and an arrest is therefore just.* (Reiss 1971b, pp. 134–135.)

A part of that judgment of justness of arrest also concerns justness for the officer—whether making the arrest will cost him more paper work and court time than it is worth (Skolnick 1966). One alternative to arrest—the formal caution—has been studied by Steer (1970). At least in some departments, the decision to arrest does not rest solely with the patrolman but is subject to review by the station house desk officer and the investigating detectives (McIntyre 1967; Skolnick 1966).

Of course, some important police work is undertaken on the initiative of the police themselves without citizen mobilization (Reiss 1971*b*, pp. 88–114). The work of traffic and tactical force divisions is primarily proactive policing, as are the nondispatched activities of the patrol, detective, and vice divisions. Proactive police work similarly entails discretion and disparity that invite study through the general research designs for these topics.

In proactive policing, the distinctive decision is whether to stop a suspicious pedestrian or automobile for investigation. The most comprehensive account of factors that dispose patrolmen to develop sufficient suspicion of a particular citizen to justify making a pedestrian or car stop is developed in Rubinstein (1973, pp. 218–266). Other influential accounts include Piliavin and Briar (1964), Werthman and Piljavin (1966), Sullivan and Siegel (1972), and Sacks (1972). The American Bar Foundation team studied proactive field stops by patrol and vice divisions (McIntyre 1967). Tifft's (1970) team observed factors in field stops by patrol, traffic, tactical force, vice control, and detective divisions.

Gardiner's (1969) studies of traffic law enforcement and Skolnick's (1966) study of vice officers also afford useful accounts.

Other than traffic violations, proactive police work seldom yields on-view detection of criminal events in progress, although planned surveillance of sustained, organized criminal activity might be considered an exception. Most proactive police work involves a decision as to whether a crime has occurred solely as an outcome of the investigation of suspicious persons through field stops. Field interrogation, frisking, car searches, and searches of the immediate area frequently give the officer cause to believe that a crime has occurred (Tiffany, McIntyre, and Rotenberg 1967).

In such cases, identification and location of the offender are ordinarily relatively simple; one or more of the suspects is the offender. The arrest decision is also somewhat simplified, as the officer more frequently believes that he has a "good pinch" and requires no citizen complainant, taking the role of complainant himself (LaFave 1965). Even here, however, the factors of suspect demeanor, mitigating circumstances, etc., remain influential in the decision to arrest.

DIVERSION PROGRAMS

When police believe there is probable cause to believe that a crime has been committed by a particular suspect, they may choose not to arrest the suspect for potential prosecution. In many cases, the police choose to halt any further formal police proceedings against the suspect; such a choice represents police screening of offenders from the criminal justice system. In other cases, the police choose to halt or suspend any further formal police proceedings against the suspect on the condition that he does something in return: participate in some specified program or activity; such a choice represents police diversion of offenders from the criminal justice system. If a diverted offender does not satisfy the police that the condition has been fulfilled, they may resume formal police proceedings against him.

The range of programs or activities to which police may divert offenders is quite extensive, as is the range of offenders who may be diverted. The types of cases most frequently diverted by police include juvenile offenders, domestic dispute offenders, mentally ill offenders, drunkenness offenders, and drug abuse offenders.

Diversion alternatives for juveniles offenders range from the informal remanding of the offender to his own family to formal educational, vocational, or medical programs offered by community-based youth services bureaus.

Special family intervention services or units are sometimes available for diverting domestic disputants (Bard 1969), and emergency psychiatric programs are increasingly available for police diversion of mentally ill offenders (Matthews 1970). Detoxification centers represent alternative dispositions for drunkenness and drug abuse offenders (Nimmer 1971).

Like screening, diversion serves to lessen the burden of massive case loads on the system; yet, unlike screening, does so without forgoing significant opportunities to diminish the probability of repeated offenses.

Evaluation of police diversion programs is an important enterprise in the study of the criminal justice system. The effectiveness of police diversion programs depends not only on the scope and effectiveness of the formal or informal activity or program to which offenders are diverted, but equally on the scope and quality of police referral of offenders to those programs.

Like the screening decision, the diversion decision is a matter of police discretion. The evaluator of a diversion program will need to know how widely, uniformly, and appropriately the police apply the diversion decision. Such information can only be obtained through field studies of police work, preferably through direct observational surveys. The general designs for the study of discretion and disparity, applied now to the discretionary decision of the police whether to divert, would with direct observational survey data enable the evaluator to learn how widely, uniformly, and appropriately that decision is being made.

POLICE JUSTICE

The policeman—whether as law officer, peace officer, or public servant—functions importantly as a dispenser of justice. Above, the guiding principle of seeing justice done was cited as a recurrent factor in the series of police discretionary decisions in law enforcement. At times, police resort to unwarranted use of authority in the course of rendering street-level justice, such as illegal search or seizure, undue use of force or threats, uncivil treatment through verbal abuse, or harassment. A number of

field studies of police work have sought to describe and to explain such excesses in police dispensation of justice.

Illegal search and seizure practices, for example, have been the subject of fruitful participant observation research by Skolnick (1966) and the American Bar Foundation team (Tiffany, McIntyre, and Rotenberg 1967). According to police justice, "the demands of apprehension require violation of procedural rules in the name of the 'higher' justification of reducing criminality" (Skolnick 1966, p. 228).

Harassment is sometimes employed by police when they feel pressured to control unlawful conduct but their arrests are systematically disregarded by other agents in the criminal justice system. Thus, police frequently harass vice practitioners, drunks, juveniles, and minorities. Arrests for harassment purposes was well studied by the American Bar Foundation team (LaFave 1965), but harassment does not depend upon arrest, as shown in field studies by Bittner (1967*a*, 1967*b*), Wiseman (1970), and Werthman and Piliavin (1966).

The use of undue force has received considerable public attention as "police brutality." Direct observational studies of police violence by Westley (1970) and Black and Reiss (1967) have indicated that excessive force is most often a response to defiance of the authority of police. Verbal abuse and uncivil treatment of citizens, though more frequent, follow similar patterns (Black and Reiss 1967).

Respondent interview surveys of citizens concerning personal experiences with police conduct (e.g., A. Campbell and Schuman 1969) yield estimated rates of police misconduct toward citizens roughly consistent with those derived from direct observational surveys (Black and Reiss 1967). A particularly promising research design for calibrating such interview surveys with observational surveys is to interview a probability sample of citizens from a larger set of citizens whose interactions with police have been directly observed within an observational survey of police-citizen encounters. Tifft (1970) employed such a conjoint design, although the published analysis (Tifft and Bordua 1971) did not fully exploit the potential utility of this design.

WORK CRIMES OF THE POLICE

Apart from the unlawful use of police authority against citizens, on-duty police officers not infrequently violate criminal statutes or departmental rules and regulations.

Through direct observational surveys (Reiss 1971*b*, pp. 156–163) and participant observation (Rubinstein 1973, pp. 372–433), field researchers have shown that police accept goods from businesses, accept bribes, take goods from the deviants or burglarized establishments, and participate in the illegal markets and practices of organized crime. These crimes basically provide income supplementation. Officers have also been observed to plant evidence and offer false testimony—crimes related to police justice and to organizational pressures for productivity.

Reiss (1971*b*, pp. 164–169) also observed frequent and serious violation of departmental rules and regulations, such as drinking or sleeping while on duty, unauthorized time away from duty for other than police matters, and falsification of reports.

In reviewing available data, "the conclusion seems inescapable that during any year a substantial minority of all police officers violate the criminal law, a majority misbehave toward citizens in an encounter, and most engage in serious violations of the rules and regulations of the department." (Reiss 1971*b*, p. 169.)

FIELD RELATIONS IN STUDYING THE POLICE

Because policework involves large amounts of potentially embarrassing discretion and disparity, misuse of authority in the name of informal justice, outright work crime, and low level of effectiveness in controlling crime, the police are said to envelop themselves in a conspiratorial "blue curtain of secrecy" against outside scrutiny. Although there is a great deal of truth in this claim, the field researcher can successfully penetrate that "blue curtain," and with fewer risks and inconvenience costs than in penetrating the criminal community.

Although many researchers have successfully studied policework in the field, few of them have explicitly reported their experiences in negotiating *entreé* into police organizations. Manning (1972) presents the most comprehensive review of such accounts, stressing participant observation studies, and Fox and Lundman (1974), as well as Reiss (1971*a*), analyze the rather more complex task of gaining and maintaining access for a field team conducting a direct observational survey of police patrol work.

Because police departments are highly formalized bureaucracies, the first problem of *entreé* is gaining access to the police department. Departments vary rather widely in their openness to research, depending in part on their professionalization, size, morale, and effectiveness. The researcher's sponsorship may be very

influential, meaning both the character of the external organization under whose auspices the research is being proposed and the character of individuals within (or known to) the police department who can vouchsafe the character and purposes of the researcher. Development of prior informal relations with department administrative personnel through proper sponsorship contributes greatly to the likelihood of negotiating department access. Since most police departments are hierarchically organized, department access typically requires that access be negotiated recursively at each administrative level, a problem not unique to police studies but common to much field research (Kahn and Mann 1952; Dalton 1964).

Departments frequently seek to impose various conditions on the researcher in return for access, such as first attending the police academy (in the hope that the researcher will become discouraged and drop his planned study or at least that he will come to acquire the police view of policing). Specific types of reports may be requested or restrictions on researcher activity may be imposed. As in field studies of other organizations, the researcher must strive to strike a workable bargain in this process of research negotiation (Kahn and Mann 1952; Becker 1964). Schatzman and Strauss (1973, p. 29) suggest that "any restrictions initially accepted by the researcher should be regarded as renegotiable at later, more propitious times."

If administrative access is successfully negotiated, the next problem frequently encountered is gaining access to the direct subjects (e.g., patrolmen) of study. Given the organization of modern police departments, field policemen are granted a good deal of autonomy and discretion. Administrative clearance seldom guarantees adequate access to field policemen, and frequently the researcher will need to negotiate with them directly (Fox and Lundman 1974).

Assuming direct access to field policemen, the researcher may still be denied access to the desired information about the conduct of those field policemen. Effective informational access may be denied, for example, by policemen overtly or covertly refusing to answer truthfully an interviewer's questions. An important instance is the tendency of some police (deliberate or otherwise) to sabotage the researcher's sampling plan, e.g., by manipulating which activities of which policemen the observer is enabled to see (Tifft 1970).

Generally, however, if subject access can be maintained long enough, adequate informational access will eventually develop.

As with criminals, who also have something to hide, once trust is established, informational access develops rather naturally. Most policemen take some sort of pride in their work and are pleased to demonstrate their work to a sympathetic observer. Moreover, they tend to be relatively sociable and loquacious, so that respondent and informant interviewing of the less formal varieties prove rather successful. (The researcher should keep in mind, however, that police culture too places considerable premium on the gift of gab and the good raconteur [Rubinstein 1973]; data from informal interviews should be treated with some degree of skepticism, especially with respect to generalizability). Perhaps because of their ambivalence toward "book learning" (Westley 1970) and their antipathy toward paperwork (Black 1970), questionnaires and paper-and-pencil tests are not well received by many of the less professionalized officers.

One factor influencing access to desired information is the field role adopted by the researcher. A few researchers have functioned within an official police role, either as social scientists temporarily working as sworn policemen (e.g., Buckner 1967), or career policemen conducting research on the side (e.g., Ward 1971). In virtually all these cases, the policeman was known by his police colleagues to be engaged in research on the police. The role-strains associated with this field role are discussed usefully in the appendix to Buckner (1967). While adoption of this field role minimizes certain problems of informational access, it restricts the researcher's ability to control allocation of his data collection activities and effectively requires him to employ a participant observation research design. Moreover, where multiple observers have been employed, it has generally been found that policemen were less effective observers of policework than were other types of observers (Reiss 1968, 1971*a*).

Most researchers have elected to function as a civilian researcher, known as such to the policemen under study. Not being in uniform yet closely accompanying the police, the researcher's field role is typically not known to citizens coming into contact with the researcher in the course of his fieldwork. Such citizens tend to assume that the researcher is some sort of plainclothes detective. To some degree, then, the overt observer field role tends to involve the researcher in some sort of informal police role as well.

Some overt observers have attempted to minimize this quasi-police role, refusing to assist officers in any aspects of their police work and referring any inquiries from encountered citizens to the officers. Other overt observers have chosen to participate

rather fully in many aspects of police work, physically capturing fleeing suspects, guarding suspects, driving unmarked police vehicles, carrying out surveillance, offering advice and opinions, and signing interrogation statements as a legal witness. True participation in police work raises difficult questions concerning the legal and ethical right of the researcher to carry out such activities (*see* pp. 25–26). Methodologically, such participation also raises questions about informational access. On the one hand, helping the field policemen surely contributes to gaining and maintaining certain aspects of informational access through gaining trust for the researcher. On the other hand, true participation may constitute observer interference with the data sought, in that the researcher is rendered unable to learn how the police would have handled a given situation without his aid. If the researcher represents not so much an addition to normal police staffing of the observed tour but rather a replacement for an officer who would normally be present, the researcher's participation is likely to be expected and would be less likely to represent observer interference.

In the consensual experience of field researchers, observers of the police exhibit rather uniformly a disposition to "go native" and adopt the perspective of the police on matters related to policing. One might speculate, then, that observers who participate in actual police work are perhaps even more susceptible to this biasing effect on informational access.

Whether the field role is that of policeman-observer or overt observer, field study of police work entails certain personal risks for the observer. Physical danger is a constant theme of police work—not only the danger of assault by offenders but the dangers posed by high-speed auto chases, running down dark alleys, investigating dark and decrepit structures, and constant driving under all conditions. Legal risks also arise, even though the police observer is generally assumed to be on the right side of the law. The observer is virtually certain to witness violations of the law, both by citizens and by the police, for which the researcher is technically liable as an accomplice or as obstructing justice. Ethical risks have already been alluded to. For the overt observer, the decision to participate in actual police work serves to escalate his level of physical, legal, and ethical risks.

On both methodological and personal grounds, then, the decision as to degree of participation in policework is a critical and thorny decision. As in studying criminals, the vital matter is to explicitly and self-consciously arrive at some decision, to have

decided clearly just where the researcher will draw the line between acting as a policeman and acting as an observer.

Whatever the choice of field role in this sense, the researcher must develop an adequate level of rapport with the policemen he is studying in order to operate effectively in that field role. To begin with, he must evince a reasonable degree of sympathetic understanding of the police subculture, as described by Skolnick (1966), Banton (1964), Westley (1970), and Rubinstein (1973). The values, beliefs, and practices of the policeman reflect primarily the precarious organizational locus of his work (Reiss 1971*b*) and the masculine working-class culture from which he typically is recruited. The researcher need not personally embrace these values, beliefs, and practices but he must show himself able to deal with them somewhat sympathetically. The masculinity of police culture poses some difficulties for female researchers in particular, but these are not insurmountable, as shown by the work of Cain (1973) and DeFleur (1975).

Appearance is a matter of considerable importance in the world of the police. Certain conventional standards of grooming and hairstyling are taken to serve as critical symbols of moral character. Shoes, coats, ties, and shirts serve almost as uniforms, so that the researcher is well advised to dress as nearly like on-duty detectives as possible.

Language, too, is of importance. To a considerable extent, facing common occupational tasks and concerns, police everywhere in this country share a certain distinctive vocabulary, derived in part from policemen's passing concern with legal phraseology and in part from linguistic innovations given currency through police magazines, television programs, and the like. In most communities, however, distinctive local usages complement and partially supplant the national police argot.

A final factor in developing adequate rapport is the establishment of trust. Policemen are highly suspicious, even of other policemen in their own department or unit, so that demonstrating sympathetic understanding of police culture does not suffice to assure the researcher of adequate informational access. Each policeman must assure himself that the researcher can indeed be trusted not to report to police administrators any questionable discretionary judgments, violations of departmental regulations, or police offenders against the law. To some extent a reputation for trustworthiness is exportable, but perhaps less so among policemen than among criminals. Anonymity and confidentiality of data must not be simply promised but in some way demon-

strated. At the most obvious level, the researcher should ordinarily refrain from overt recording of observational data. The researcher may expect his trustworthiness to be tested repeatedly, with increasing severity, until the police are satisfied of it. Often, as part of the testing process, police will attempt to induce the researcher into participating in some officially proscribed activity, since a major source of occupational security among the police rests on possessing incriminating information about colleagues (Reiss 1971*b*, *pp.* 170–171; Rubinstein 1973, p. 444). Once again, the researcher needs to have made a conscious decision about where he will draw the line regarding participation.

Attention to reciprocities is a critical aspect of maintaining a proper level of rapport. Exchange of credits and favors is a central element of police culture. This fact serves to increase the pressure on the researcher to participate in actual police work, as a due favor to the policeman to render help in his work in return for the officer's help to the researcher in his work. Such favors in kind can be withheld by the researcher if he has carefully communicated the line he has drawn, but he should be prepared to restore reciprocities through sociability during dead time, down time, and off-duty time. Their occupational role serves to isolate the police from relaxed sociable relations with civilians (Skolnick 1966; Clark 1965), so that the researcher's interested sociability is valued by policemen. Moreover, such occasions of informal sociability frequently afford invaluable data, as the officers are inclined to open up and mention or discuss topics that may be avoided in more formal contacts.

Not unimportantly for such sociable contacts, the researcher accrues a certain degree of rapport simply by sharing in the policeman's lot—the dangers, monotony, pressures, public affronts, fatigue, inconvenient working hours, and resultant strain upon domestic life. Sharing such a common lot not only facilitates mutual appreciation but also provides conversational leads that may prove very informative about unsuspected features of police work.

CHAPTER 4

Observing the Lawyers: Prosecution and Defense

Upon arrest, the offender enters the lawyers' segment of the criminal justice system. Immediately upon arrest, and prior to police interrogation, the offender has the right to demand legal counsel on his behalf. At the same time (in most jurisdictions), if the police wish to continue criminal processing of the offender they must prevail upon the local prosecutor (in some places called district attorney) to file formal criminal charges against the offender.

In any community, relatively few lawyers regularly practice in the criminal courts. Criminal practice is less remunerative and is regarded as the low-status "dirty work" of the legal profession (Ladinsky 1963; Wood 1967). As a consequence, prosecution and defense attorneys (together with the small number of criminal court judges) effectively form a local criminal law community, characterized by intimate acquaintance, close working relations, and mutual concern for the problems of the marginal legal practitioner (Skolnick 1966, 1967; Blumberg 1967; Neubauer 1974*b*; Cole 1973).

According to judicial ideology, in the processing of a criminal case, prosecution and defense attorneys are to play adversary roles in a clash of evidence before an impartial referee in order to determine the guilt or innocence of the accused. Several field studies of criminal lawyers have shown that these adversarial roles are sharply tempered by the organizational demands of the local criminal law community (Skolnick 1967; Blumberg 1967; Cole 1973). Conflict must be muted, since defendants come and go, while the lawyers must continue to rely on one another to make their work less than impossibly difficult. Grosman (1969) demonstrated certain conditions under which bargaining roles tend to displace the adversarial roles.

Any examination of the functioning of prosecution and defense must attend to both adversarial and bargaining roles as they are invoked in the processing of a criminal case.

PROSECUTION

A fact of central importance in understanding the work of the prosecutor is that the prosecutor functions as a double-agent in the criminal justice system. He is the chief law enforcement agent in his jurisdiction, charged with enforcing all laws, and he is also an officer of the court, charged with obtaining justice for all people in his jurisdiction. This position, while generating the ethical "prosecutor's dilemma," underlies the great power of the prosecutor's office. As the link between the enforcement and adjudicative functions, the prosecutor may be the most powerful individual in the criminal justice system.

> If he does not act, the judge and the jury are helpless and the policeman's word is meaningless. In this position, the prosecutor plays many roles, including crusader, administrator, counselor (to other government officials), and advocate. Each man occupying the position may interpret the roles according to the other(s) in the relationship, the environment within which he operates, and his own personality. (Cole 1973, p. 114.)

One important line of research has focused on variations in interpretation of the prosecutor's role, devising typologies of prosecutors (Eisenstein 1968; Engstrom 1971; Grosman 1969; Shover and Bankston 1973), based primarily on which functions and goals the prosecutor chooses to emphasize in the conduct of his office.

Given the considerable power of the prosecutor as vital link between police and courts, yet responsible only to the electorate, the office is a valuable political prize (the office is appointive only in the States of Connecticut, Delaware, Rhode Island, and New Jersey). Numerous studies have investigated the extent of effect of political partisanship on local justice, as exerted through the prosecutor's office (Moley 1929; Jacob 1970, 1973; Klonoski and Mendelsohn 1970; Castberg 1968; Cole 1973). These studies have seldom detected any sweeping effects on systematic law enforcement; rather, the political utility of the office seems to lie primarily in the capability to prevent occasional political harm to the party and in the substantial patronage involved in staffing the office.

The prosecutor's office has also been thought of as a political prize, in the sense of a stepping stone toward higher political office. Although research seems to indicate that most prosecutors do not go on to hold higher offices, most of them do perceive that holding the office is beneficial to a political career and most of them do have political ambitions (Ori 1965). This perception probably does have an impact on the prosecutor's role orientation. For example, Engstrom (1971) found that prosecutors with political ambitions preferred an "officer of the court" role orientation and those without ambitions tended to prefer a "law enforcement" orientation and higher conviction rates.

Numerous deputy prosecutors and clerks are necessary in even moderately large communities to handle all the work of the prosecutor's office. Partisan and ethnic politics are important considerations in staffing (Cole 1973; Blumberg 1967; Neubauer 1974*b*). Deputy prosecutors are generally new law graduates or older local lawyers who had difficulty maintaining an adequate practice. Remuneration and promotion possibilities are not impressive, so that few deputies remain more than 3 or 4 years (Caplan 1970; Kuh 1961). Although the prosecutor's office ordinarily handles some civilian and domestic matters, the bulk of the work is in criminal law, so that experience as a deputy prosecutor is little valued by most law firms. Former deputies do tend to enter partnerships or solo practices which involve some criminal practice.

The internal organization of the prosecutor's office varies considerably, by jurisdiction, size, and community type. Comparative study of prosecutor's offices has only recently emerged as a research theme (Busch 1969; Fertitta 1969; Meglio 1969; Trammel 1969).

Whatever the internal organization of the office, the prosecution displays a wide range of discretionary authority in deciding: (1) whether to prosecute a particular case, (2) which criminal charges to file in the case, (3) whether and how additional evidence will be presented to the court concerning the case, (4) whether charges will be reduced in exchange for a plea of guilty, and (5) whether charges will be dropped.

Discretionary decisions (1) and (2), conveniently called the charging decision, have been the subject of important field studies, including of course the classic American Bar Foundation team participant observation studies (F. Miller 1969). Field research has shown that prosecutors' charging decisions may sometimes be influenced by complainants, police, and judges. Drawing upon his own participant observation and upon the results of other studies (e.g., F. Miller 1969; Busch 1969; Fertitta 1969), Neu-

bauer (1974a) suggests that distinctive jurisdictions exist where the charging decision is complainant-dominated, police-dominated, or judge-dominated, respectively. Such jurisdictional variation importantly complicates brief analysis of the charging decision. Since it appears that in the largest number of jurisdictions the charging process is prosecutor-dominated it shall be so viewed here.

The Charging Decision

Several participant observation studies of prosecutor's offices have documented a wide range of considerations as influencing the prosecutor's charging decisions (F. Miller 1969; Skolnick 1966; Cole 1970, 1973).

The basic discretionary decision is whether or not to file formal charges. Following Cole, the considerations affecting this decision may be grouped under three headings: evidential, humanitarian, and organizational.

1. *Evidential*—The prosecutor must satisfy himself, on the basis of available facts, that a crime has been committed and that the suspect can be shown beyond a reasonable doubt to have committed that crime. The policeman's criterion of "probable cause" is too weak for the prosecutor, ever sensitive to maintaining a high rate of convictions. The prosecutor is reluctant to charge unless the evidence is such that he believes he could probably obtain a conviction in a jury trial. The evidential standards of the particular judge who will hear the case must be considered in this judgment. "Evidence is considered weak when it is difficult to use in proving charges, when the value of a stolen article is questionable, when a case results from a brawl, or when there is lack of corroboration" (Cole 1973). Another evidential factor concerns the nature of the complaint; when the criminal complaint represents a primarily civil or private dispute, the prosecutor must satisfy himself that the case has not been raised for the personal benefit of the complainant.

2. *Humanitarian*—The prosecutor may consider that the harm done to the suspect (or to the victim, e.g., in child molestation) through criminal processing would outweigh the societal benefits. The character of the suspect (e.g., his mental stability or competence), his standing in the community, and the impact of prosecution on his family are factors to be considered.

3. *Organizational*—Similarly, the prosecutor must consider whether the costs to the criminal justice system of continued criminal processing may outweigh the societal benefits. Many offenses are simply too trivial to warrant criminal processing in view of the heavy caseload of more serious offenses, particularly if they would involve expensive procedures, such as extradition. In other cases, revocation of parole or suspended sentence might be a more economical response than prosecution on a new offense. Other organizational factors are influential as well. The norms of the local community may be such that no jury would convict for certain offenses, in which case the prosecutor will not charge those offenses. On the other hand, community outrage over a particular publicized crime may be so great that the prosecutor decides to file charges even though the evidence is weak. Where the complainant seems unlikely to testify in court (as in domestic disputes or rape), the prosecutor is reluctant to charge. In other cases, an insistent complainant may lead the prosecutor to charge even when the case is weak. Similarly, police pressures to prosecute may compel the prosecutor to comply. In other cases, the prosecutor may refuse to prosecute a case brought to him by the police, in order to censure the police for procedures offensive to the prosecutor.

If a decision is made to file charges in the case, the prosecutor must then decide *which* charges to file. He must determine on the basis of available facts, which criminal statutes he can show beyond a reasonable doubt to have been violated by the accused. Many offenses violate more than one statute, especially since serious crimes logically include as subparts the commission of certain lesser crimes (e.g., commission of armed robbery logically includes commission of robbery). In such cases, the prosecutor must decide how many of these crimes to charge and, if only a subset, which ones.

Participant observation studies of the charging decision by the American Bar Foundation team (F. Miller 1969) and by solo observers (Skolnick 1966; Cole 1970, 1973; Neubauer 1974a, 1974b) indicate that similar evidential, humanitarian, and organizational factors influence the prosecutor's decisions. The prosecutor is found to be reluctant to file any more serious charge (or any larger number of charges) than that on which he feels he can obtain a jury conviction, unless he believes that overcharging will help to induce a guilty plea to lesser charges. Certain charges may be avoided due to prejudices of juries or particular judges. Pressures from the local community, the complainant, or the police may overwhelm the prosecutor's professional judgment.

Circumstances of the offense are an important consideration. The degree of violence, viciousness, or property loss is thought to importantly influence jury response, as are extenuating circumstances (e.g., stealing produce only to feed one's family). The time and location of the crime also affect jury response.

Given the offense, the nature of the offender is perhaps the most vital influence on the prosecutor's choice of charges. Juries are thought to be more lenient toward the very young and the very old, the first offender, the sick, females, whites, the middle class. To some extent, the nature of the offender is relative to that of his victim. A 20-year-old robber will be viewed more leniently stealing $5 from a peer than from a little old lady on Social Security. The moral character of the offender may similarly depend on the complicity of his victim; an assault arising from a barroom brawl, for example, is viewed as a situation in which the victim is not much more deserving of sympathy than the offender.

Although the general factors influencing the prosecutor's discretionary charging decisions are known, their relative weights and joint influence must be determined through more rigorous research. Inter-agent disparities are probably of little importance within any one prosecutor's office, since only one or a few deputies are assigned to make the charging decisions, and these decisions are usually reviewed by a senior deputy, imparting a high degree of uniformity.

The general design for studying discretion could usefully be applied to the charging decisions, examining the effects of characteristics of the offense and of the offender on the outcomes. By controlling for characteristics of the offense, interoffender disparities of treatment could be described and explained as functions of offender characteristics. Given what is already known about the charging decisions, such analysis should also hold constant the evidential strength of the case, as rated by the charging prosecutor.

The analysis of existing records—in this case, documents used by the charging prosecutor—is of great importance to research on this topic, and the participant observation studies cited have importantly utilized such documents. Typically, however, such existing records do not contain information bearing on certain important factors influencing the charging decisions, especially some of the organizational factors.

One approach to these limitations is to elicit revision of the routine documents used by and generated in the prosecutor's office in such a way that the ongoing institutional records come to incorporate the desired information. Glaser (1973*b*, pp. 103–136) provides many helpful suggestions for devising and instituting such enhanced records.

A very promising application of such principles is provided by the Prosecutors' Management Information System (PROMIS), which in addition to modernizing case management practices provides for each case valuable research data on the charging process, trial, and plea bargaining (Institute for Law and Social Research 1974*a*, 1974*b*.)

A more direct approach to the problem of obtaining detailed and systematic information on the wider range of factors influencing the charging decision is the direct observational survey design. In their current research, Reiss and Hickel (1973) have applied this design to a study of prosecutor's offices in four major cities, using teams of trained observers. Selection and recording of data are based on use of precoded observational schedules (similar in form to that in the appendix). In each city, rigorously designed samples of the work activity of deputy prosecutors are observed, with each observer accompanying the sampled deputy throughout the prescribed duty shift. Distinct observational schedules correspond to each of the major work activities. The observational schedule for the charging decision, for example, systematically records a wide range of characteristics of the offense, the complainant, the defendant, and the direct interaction of the prosecutor with these persons. Most importantly, the schedule is focused on the complainant's initial charge preference, the development of the prosecutor's decision, and intensive observation of the factors determining that decision.

Diversion Programs

When the prosecutor decides not to charge an accused, the decision may represent screening or diversion. If he declines to charge and simply drops the matter, he has screened the case from the criminal justice system. If he chooses to suspend criminal processing on the condition that the accused participate satisfactorily in some societally beneficial program, he has diverted the case and may resume its prosecution if compliance is not obtained.

Many cases of property crime (particularly frauds and bad debts) are handled through conditional referral to programs requiring offenders to make restitution to the victim (McIntyre 1967; F. Miller 1969). Domestic disputes may be dealt with non-

criminally by the prosecutor's resort to formal or informal "peace bonds" (McIntyre 1967).

Mentally ill offenders may be diverted from criminal processing through civil commitment hearings or through agreement of prosecution and defense that the defendant will voluntarily enter a psychiatric treatment program (DeGrazia, undated).

Like the police, the prosecutor may also divert drug abusers, alcoholics, youthful offenders, or unemployed offenders to a variety of special treatment programs (Nimmer 1974).

The success of diversion programs depends not only on the effectiveness of program activities but also on the quality of the decisions whether or not to refer individual offenders. The criteria for diversion to a given program must be applied appropriately, uniformly, and widely.

The prosecutor's diversion decision lends itself to application of the generic research design for the study of discretion even more readily than does the policeman's diversion decision (see chapter 3).

DEFENSE

Like the prosecutor, the defense attorney, too, serves as a double-agent in the criminal justice system. He is, on one hand, advocate of the defendant and, on the other, an officer of the court (Blumberg 1967). Given the general tendency for the adversarial model to be subordinated to the bargaining model of criminal justice, most defense lawyers function as "agent-mediators" of the court, seeking to persuade the defendant to eschew adversarial proceedings and to accept negotiated justice. Some few defense lawyers, generally with exceptional trial abilities, choose to function primarily as advocates in the adversarial model (Grosman 1969).

In large metropolitan courts, the majority of criminal defendants are now represented by a public defender, a full-time salaried official charged with the responsibility of representing indigent defendants. The office of public defender, though more insulated from partisan politics than the prosecutor's office, likewise involves a sizeable number of deputies and clerks. Characteristics of personnel and of internal organization of the office closely parallel those of the prosecutor's office.

In smaller courts, indigent defendants are typically represented by court-appointed counsel, private practitioners occasionally receiving a set fee from the State to represent a designated defendant.

In every court, nonindigent defendants are represented by privately retained counsel, if any. Private practitioners frequently obtain paying clients through referrals from brokers elsewhere in the criminal justice system (e.g., police, bondsmen), supplementing such practice by seeking fees for serving as appointed counsel whenever possible. The central problem in private practice is making money; clients are generally poor to begin with, unreliable in paying their fees, and facing a possible protracted incarceration. The criminal lawyer is constrained to act rather ruthlessly in order to obtain payment for his services and is, in any case, compelled to rely on volume of business in order to survive (Wood 1967; Blumberg 1967).

For opposite reasons, then, the typical private criminal practitioner and the public defender are necessarily involved in high volume of cases. Cooperation and regularity are conducive to processing large numbers of cases; the individualization of adversarial combat is not (Skolnick 1967; Blumberg 1967; Cole 1973; Sudnow 1965). It is only the unusual private practitioner who can depend on obtaining very large fees, who can afford to function as an adversary advocate. Most criminal lawyers, private or public, are constrained by the organizational realities of their practice to function primarily as bureaucratic negotiators.

The Negotiated Plea

The overwhelming majority of convictions in most metropolitan courts result not from trials but from pleas of guilty by the defendants, typically on the assurance of defense counsel that pleading guilty will obtain more lenient disposition than the maximum which might be levied upon trial conviction. The assurance of the defense lawyers in these cases is well founded, since the general disposition has been explicitly negotiated and agreed upon between the defense and the prosecutor, based upon their thorough knowledge of the sentencing patterns of the particular judge. (In some jurisdictions, the judge directly participates in these plea negotiations.)

Indeed, given the oppressive workloads of these courts, the time-consuming and expensive character of trial proceedings, and the shared administrative presumption that virtually all defendants are guilty of some crime, the functioning of the court

system rather openly depends on nearly every case being settled through plea negotiation (Blumberg 1967). It is against the background of this fact that the defense lawyer obtains his primary discretionary power, viz., the power to decide that a case will go to trial rather than be settled through negotiation.

The defense lawyer relies on this power in order to obtain his bargaining position in the negotiation, offering to forgo trial in exchange for a reduction in the number and/or seriousness of charges pressed by the prosecutor (or in some jurisdictions for a lighter sentence on the same charges). Participant observation studies of plea negotiation (Sudnow 1965; Mather 1973; Neubauer 1974*b*; and Newman's (1966) classic report of the American Bar Foundation team) indicate that it is the role of the defense lawyer to open the negotiation by approaching the prosecutor with an offer to advise his client to plead guilty to some specified reduced charge. Such an approach is usually made after the preliminary hearing, which serves to give the defense attorney his first solid impression of the strength of the prosecutor's evidence.

The role of the prosecutor in negotiation is, first, to assess the "worth" of the case (not only the strength of the evidence, but also the seriousness of the offense) and second, to insist upon a charge reduction such that the resulting disposition would be commensurate with the worth of the case. For example, if the judge would assign the same sentence for conviction on a single charge as for conviction on three charges, the prosecutor would be open to dropping two of the charges in return for a plea of guilty to the one remaining charge. Prosecutors are concerned more with obtaining convictions than with sentencing as long as the sentence does not depart too far from their conception of the worth of a case.

The prosecutor's power to recommend sentence to the judge is also an asset to his bargaining position. Since the prosecutor's primary concern is to obtain a conviction while the defendant's major concern is to receive a light or suspended sentence, the prosecutor can agree to recommend a light sentence in order to elicit a guilty plea without compromising his own desired outcome (Newman 1966).

Sudnow (1965) and Mather (1973) have shown that the administrative regularities employed by the local criminal law community include concepts of "normal crimes," the statistical regularity of certain offenses being committed in standard manner and location-type by offenders of a specific social character. For such

normal crimes, the prosecution and defense lawyers have informally developed normatively standard bargains. Crimes departing in some way from the cultural stereotypes held by the local criminal law community must be negotiated over in less patterned fashion, with now the prosecutor and now the defense lawyer receiving a break. Both parties maintain careful account of the distribution of such breaks, striving to preserve a rather precise balance in the exchange of these credits and favors.

Once an agreement has been reached in a case between prosecution and defense attorneys, the defense lawyer incurs responsibility for persuading the defendant to accede to the bargain and plead guilty for considerations to be received. Blumberg (1967, 1973) has shown how the lawyer co-opts the defendant's family, probation officers, and psychiatrists to assist in persuading the defendant. Even in the face of such skillful pressures, some defendants refuse to accept the bargain and insist on taking their chances on a jury trial.

Numerous studies have investigated the differing tactics and outcomes associated with the three major types of defense counsel —privately retained, court-appointed, and public defender (Oaks and Lehman 1973; Silverstein 1965; Neubauer 1968, 1974*b*; Blumberg 1973; Wilcox and Bloustein 1959). These studies tend to suggest that private counsel most effectively represents defendants, and public and court-appointed counsel least effectively. Unfortunately, few of these studies consider that the type of counsel employed may depend heavily on the characteristics of the offender and the worth of the case, so that, for example, public defenders are charged with representing the least defensible cases.

The general research design for the study of interagent disparity requires that characteristics of the offense and of the offender simultaneously be held constant in order to describe differences in outcomes among agents—the three types of defense counsel in this application. Ideally, the strength of the case (perhaps as rated by the prosecutor) should also be controlled, since defense counsel is more likely to risk trial when the prosecution's case is weak. Relevant outcome variables would include conviction rates, proportion of clients pleading guilty, the temporal point at which clients plead guilty, and degree of reduction of charges.

Court records are the most frequent source of data for such studies but, again, direct observational surveys of the work activities of lawyers would provide more detailed (though much more expensive) data for interagent disparity analyses.

WORK CRIMES OF LAWYERS

The criminal law community has historically been viewed with substantial distrust by the larger community, partly owing to the general resentment of lawyers and partly to suspicion that freely agreeing to represent a criminal could only indicate dubious moral character.

Defense lawyers in particular are seen as engaged in "dirty work," striving to free criminals on trivial technicalities. It is frequently thought that defense lawyers principally function through the "fix," corruptly purchasing favorable treatment for criminal clients through bribery of judges, prosecutors, and jurors. Field studies of professional criminals (Sutherland 1937; Jackson 1969) provide indirect evidence that some private practitioners do indeed command large continuing retainers from professional criminals on the basis of their ability and willingness to employ bribery and corrupt influence. These studies indicate that such corrupt lawyers even instigate and direct specific crimes against property by professional criminals. Other field studies of less disreputable lawyers (e.g., Carlin 1962) have shown that less criminal forms of the "fix"—slipping a few dollars to a court clerk in order to receive prompt attention—are a normal and necessary feature of legal practice in many communities. Public defenders are seldom alleged to take or use money, but are frequently thought to function as informal fixers through resort to plea bargaining.

Public defenders and court-appointed counsel are frequently alleged to provide only perfunctory advocacy of their clients, often based on a single interview with the client lasting only a few minutes (Casper 1972). These defense lawyers are said to be more concerned with the interests of the court than with the interests of the client, pressing almost immediately for a guilty plea (Blumberg 1973). Privately retained counsel are said to practice "law as a confidence game," in which the major concern is in setting, justifying, and collecting the legal fee while striving to lead the client to perceive himself as a guilty person (Blumberg 1967, pp. 110–115). Thus, defense lawyers of all types tend to be distrusted by their clients (Casper 1972) and feel constrained to put on a good show, an impressive though not necessarily effective display of legal expertise, sustained effort, indignant defense of client's character, and judicial influence. For the privately retained lawyer, such dramaturgical display facilitates ultimate collection of the fee, and for the public defender

or court-appointed counsel serves to forestall appeals based on inadequacy of counsel (a real concern, since many clients are known to count the number of questions their attorney asks of witnesses).

The work crime (other than accepting fixes) of which prosecutors are frequently accused is political favoritism, suppressing or dropping charges in response to pressures from local party influentials (Jacob 1970, 1973).

Prosecutors, defense counsel, and judges share complicity with the defendants in the most widespread work crime of lawyers, instigating and abetting defendants' perjury in the staging of the actual guilty plea. Before accepting the plea, the judge is required to ask the defendant a series of questions to assure that the defendant realizes exactly what he is admitting and that the plea is not the result of any promises made to him. Since the plea almost always is the result of such promises, the lawyers carefully coach the defendants on how to answer these interrogatories, and the judges must sometimes remind the defendants of their proper lines (Blumberg 1967, pp. 131–136).

FIELD RELATIONS IN STUDYING CRIMINAL LAWYERS

Most field studies of the local criminal law community have obtained entreé by route of either the prosecutor's office or the public defender's office, perhaps more often through the former than the latter. These routes are attractive because (1) they are closely linked in operation, so that access to one office typically facilitates access to the other, (2) each office contains a very large proportion of the regular members of the criminal law community, and (3) they are agencies of local Government and thus to some degree subject to public oversight. The prosecutor's office is more influential, but the public defender's office may be more civil libertarian and sympathetic to research. When the researcher has become well known to the personnel of both offices, access is reasonably assured to private practitioners of the criminal law, as well as to judges and other court officials. Since certain private practitioners maintain the closest ties with professional criminals, lawyers in private practice should not be omitted from any thorough study of the criminal law community.

In negotiating organizational access to the office of the prosecu-

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tor or public defender, a wide range of potentially effective sponsors is available, owing to the clubhouse orientation of lawyers. Law enforcement administrators, locally respected civil lawyers, local political influentials, and judges are almost certain to have significant influence on the prosecutor, public defender, or some of their key deputies. Prosecutors or public defenders in other cities, if known by the researcher, may also be very influential. Such external personal sponsorship, backed up by appropriate researcher credentials and research auspices, is commonly quite effective in obtaining internal personal sponsorship at some level of the office hierarchy. At whatever hierarchical level such internal sponsorship is first obtained, organizational access will have to be negotiated anew with each of the remaining levels. Fortunately, these public law offices contain substantially fewer hierarchical levels than an organization such as a police department.

Even with organizational access successfully negotiated, effective cooperation from the direct subjects of the research—usually a set of junior deputies—must be obtained. Subject access in these settings is much less problematic than with policemen, owing partly to the nature and circumstances of their work and partly to their lesser defensiveness and secrecy. These junior deputies are typically recent graduates, upwardly mobile, and self-assured concerning their authority, professionalism, and social status (Cole 1973). Unless the political climate is temporarily adverse or threatening, junior deputies (especially for the prosecution) are not ordinarily inclined to conceal or distort their work activities. (Deputy public defenders may be somewhat more defensive about certain aspects of their work activities, since these may be compared with the performance of private defense lawyers, whereas no direct comparative standard exists for the work of prosecution deputies.)

Informational access is thus relatively dependable, once organizational and subject access have been secured. Access to the desired information about work activities is always a function of rapport with subjects. Language poses a less significant obstacle to research among lawyers than among police or criminals, since the researcher shares the middle-class and relatively formal levels of English usage employed by these college graduates. Certain standard legal terms and principles must be mastered if the lawyers are to enjoy conversational ease with the researcher, as must a certain number of terms and understandings idiosyncratic to local statutes and court procedures. Acquiring a command of these local terms and understandings is perhaps the first task of the field researcher.

Lawyers' standards of appearance, demeanor, and sociable interests are generally those of the middle-class professional/business community, often centered around civic and fraternal organizations and country clubs, standards for which the university-trained researcher typically requires little special socialization. Dress is relatively important; as one lawyer put it, around the courthouse one can usually tell which people are the lawyers—they are the ones whose coats match their pants. Even wearing a jacket and tie is too informal in that setting for a lawyer. The culture of the criminal law community is highly male-oriented, in the fashion of the business community, rather than masculine, in the manner of police culture. Thus, female researchers are likely to be patronized rather than protected or rejected, since dominating association with bright, sophisticated, and attractive women is a status-lending activity within the legal culture.

The researcher's trustworthiness is always a factor in maintaining rapport, especially within a bureaucratic organization. Deputy attorneys will be watchful concerning the researcher's discussions with their superiors and with deputies from the opposing office although, in comparison with policemen, the tests to which the researcher is put will ordinarily be much less severe and the reputation for trustworthiness much more exportable. The clubhouse nature of the criminal law community, as contrasted with the mutual blackmail solidarity of the police, substantially facilitates the establishment and maintenance of trust and rapport.

A number of researchers have been able to accelerate acceptance of the research presence by utilizing their credentials as lawyers (e.g., Skolnick 1966; Carlin 1962; Grosman 1969). So far as can be determined, however, in none of the studies cited in this chapter has the researcher actually adopted the field role of lawyer, participating directly or indirectly in the work of a public or private criminal law practice. The field role of researcher seems widely familiar and acceptable to lawyers, perhaps due to their college training and the professional visibility in law journals of legal research (Handler 1970).

Even so, certain reciprocities must be respected in order to maintain working research relationships with subjects. After all, the largest part of the practice of law is talking, making a phone call, placing a word or two with an influential person, keeping up clubhouse contacts through sociable encounters. Utilizing the contacts or conversational time of lawyers amounts to ex-

pending their professional working capital. Moreover, as noted above, the local criminal law community upholds as a central norm the maintenance of close balance in the exchange of favors and credits due. (I have observed that cigars are not infrequently conferred as tokens representing credits owed.) Consequently, the field researcher should be conscious of the types of rewards he provides for his subjects in return for their cooperation and assistance. Cash rewards are delicate matters to allocate satisfactorily, although they may be attractive to some marginal private practitioners. Lawyers are more likely to expect the researcher to extend to their friends or clients certain service favors connected with the perquisites and powers of the researcher's position in the university or sponsoring agency or of his social connections. Given the typical ambivalence and doubt of the private practitioner or junior deputy concerning his status as a professional person (Carlin 1962; Wood 1967), perhaps the most commonly provided reward is an accepting sociable relationship with the researcher (usually a professional with a university doctorate, affiliated with some prestigeful institution) through which the lawyer obtains some increment of social status. In the case of female researchers, as noted above, such sociable association provides the subject additional and distinctive status gains.

CHAPTER 5

Observing the Courts

The terms "courthouse" and "politics" are practically inseparable in American usage. Most courthouses contain a good many governmental agencies and offices having relatively little to do with courts, but the court proper is a valuable political prize. Control of the court is vital to prevention of serious political harm to the party, and the court staff represents a large and influential patronage plum. Aside from judgeships, the court staff typically includes a number of law clerks, attendants, bailiffs, secretaries, court reporters, stenographers, and typists. In some jurisdictions, the court staff directly includes probation officers, psychologists, and psychiatrists. Even where these professionals are not under direct administrative control of the court, their work is thoroughly dominated by the court staff, as is the functioning of the prosecutor's office and the public defender's office.

The local court system thus represents a substantial public empire and is dominated by local partisan politics and the local criminal law community (Newman 1974; Jacob 1973). The central figures in the court system are the judges, important political figures who administer a large payroll and budget and who enjoy great discretionary authority at law. The high occupational prestige of the judiciary reflects these factors and adds to the charisma of office.

Nonetheless, judges of criminal courts share the general values of the legal profession, in which criminal law is held in some scorn as socially disreputable and technically undemanding. Moreover, criminal courts are almost always courts of original jurisdiction, whereas judicial prestige attaches to intermediate and superior appellate courts. The criminal court judge, then, generally ranks rather low in the hierarchy of judicial prestige.

Like their counterparts in lower-level civil courts, criminal court judges are frequently rather marginal members of the legal profession as well—dubiously educated, upwardly mobile, trading on ethnic loyalties, dependent on a long history of service to the local political club—awarded the judicial office as a capstone to a loyal clubhouse career (Blumberg 1967).

The marginal status and background of criminal court judges strongly conditions the character of their role performance, as reflected in Blumberg's (1967) six major role types:

1. "Intellectual" scholar
2. Routineer-hack
3. Political adventurist-careerist
4. Judicial pensioner
5. "Hatchet man"
6. "Tyrant"-"Showboat"-"Benevolent Despot."

(A somewhat similar but differently based typology is offered by Ung and Baas 1972.)

As administrative officials, judges construct and administer court budgets and allocate caseloads. The judges are charged with ensuring an impartial and speedy trial; their greatest administrative pressure is seeing that cases are promptly disposed of so that no great backlog develops. In urban courts this caseload pressure weighs very heavily on the judges, as it does on the prosecutor and the public defender.

The work role of the criminal court judge has received very little empirical study.

> Formally, judges are granted enormous discretion in the criminal justice system. The main forms of discretion that they exercise are by decisions to: (1) detain defendants, grant bail, or release them on their own recognizance; (2) dismiss matters or bind over at a preliminary hearing; (3) accept pleas of guilty or find guilty or not guilty in bench trials; (4) rule on matters of substance and procedure during trial proceedings; (5) decide the fate of defendants found guilty, whether by fines or by determining the sentence and whether it is to be suspended, spent on probation, or in confinement. Decisions about the standing of defendants for appeal and the fate of appeals rest also with judges. (Reiss 1974, p. 692.)

Field studies of criminal courts as functioning systems rather uniformly indicate that the great formal discretionary powers of the judge are surprisingly little used. Most decisions that are formally the responsibility of the judge routinely follow the recommendations of other court personnel, principally the prosecutor and the probation officer, but also the defense counsel (Neubauer, 1974*b*, pp. 86–103; Blumberg 1967, pp. 126–137):

> Reluctant to shoulder the decision-making burden, and ambivalent toward formal rules and criteria which may interfere with his informal relations with political benefactors, lawyers, and other court personnel, the judge tailors each decision to suit his own needs. Thus for different decisions the judge will involve different court personnel, to diffuse responsibility and at the same time alleviate his own formal obligations . . . . The bureaucratic admonition of 'cover yourself' applies as well to the judge as to any other individual in the organizational world. The group decision functions not only to conceal individual mediocrity but can also be pointed to as evidence of profound efforts to individualize, and at the same time make the administration of justice more uniform and equitable. (Blumberg 1967, pp. 130, 137.)

Neubauer prefers to emphasize the professional solidarity of the local criminal law community.

> One factor is that the judge knows relatively little about a case. The judges uniformly mentioned that they know very little about a case except the minimal information recorded on the indictment and on the court docket. By contrast the attorneys have a full set of facts. Given this limited knowledge of a case, judges believe they should defer to the judgment of the experts—the two opposing attorneys (Neubauer 1974*b*, p. 94.)

The limited exercise of judicial discretion furthers the substitution of negotiated justice for adversarial proceedings, as does the increasing institutionalization of the ameliorative-therapeutic model of the court (Blumberg 1967, pp. 34–37). In this model, the entire criminal justice system—not simply the corrections subsystem—should strive to help, treat, or resocialize the criminal offender in order to prevent recurring offenses. Court psychiatrists and probation officers exert great influences on the judges, and

> The court uses the language of therapy to justify such varied phenomena as the juvenile court, the indeterminate sentence, the sexual offender laws and civil commitment of the mentally ill, and the use of psychiatric reports before guilt or innocence is determined. (Blumberg 1967, p. 36.)

The ameliorative-therapeutic model is most fully exhibited in the juvenile court, where:

> The paramount questions concern the character and background of the accused, his needs and problems—questions

> which in traditional due process were not supposed to be raised, at least until guilt had been determined. The philosophy of the juvenile court is predicated on the notion that the court acts like a parent: it does not 'punish' but tries to understand, correct, and help children who have run afoul of the law. The child is not a 'criminal' but rather a ward of the State. Thus the adversary presumption of the adult criminal court is replaced by probation and psychiatric reports and the testimony of social workers and other interested experts, all of whom attempt to clarify the child's 'problem' so that he may be 'treated.' Guilt or innocence is relatively unimportant, and the procedures are entirely informal. (Blumberg 1967, pp. 170–171.)

Since the Gault decision, juvenile courts have been required to incorporate elements of the due process model, so that the organization of criminal and juvenile courts has recently been converging toward an administrative-clinical model of justly negotiated treatment of the socially problematic offender (Blumberg 1967, pp. 169–188; Emerson 1974).

Numerous field studies have explored and described various facets of the functioning of such court organizations. These studies will be reviewed as studies of summary proceedings (e.g., bail setting, preliminary hearings, peremptory adjudications, juvenile hearings) of trial proceedings, and of sentence hearings.

SUMMARY PROCEEDINGS

Summary proceedings in the lower courts, such as initial appearances and preliminary hearings on serious charges and bench dispositions of minor cases, afford an excellent view of administrative-clinical court organization and the diffusion of judicial responsibility. These proceedings also lend themselves particularly well to the observational study of situational or interactional factors in official discretion, since the setting itself is constant and controlled.

It is in these proceedings that the alarming abuses of "assembly-line justice" are most manifest, as documented in the comprehensive compendium on lower criminal courts edited by Robertson (1974). Frequently defendants are dealt with en bloc, are not advised of their rights or of court procedures and are penalized for invoking their rights or coerced into waiving any rights they

invoke. Dispositions are often made by rule of thumb rather than by exploration of individual circumstances, so that in many summary proceedings most cases receive less than one minute of deliberation (Suffet 1966; Mileski 1971).

A variety of such proceedings have been studied through systematic observational surveys.

Observing a lower criminal court in a middle-sized Eastern city, Mileski (1971) found that the judge failed to advise the defendant of his rights in 35 percent of misdemeanor cases, in 69 percent of serious misdemeanors, and in none of the felony cases. In juvenile courts, following the Gault decision requiring that juvenile defendants be advised of their legal rights, Lefstein et al. (1969) found that the judge frequently used leading questions to discourage the use of counsel by parents or juveniles. For example, rather than formally advise the juvenile, the judge might simply say, "I take it you came without a lawyer because you think you didn't need it." Lefstein et al. found also that the phrasing of judicial statements often led to prejudicial advice of the right to remain silent. Similar, though stronger, patterns of judicial discouragement of these legal rights were observed in Wiseman's (1970) study of drunk courts.

As have others, Mileski (1971) observed a "pattern of situational justice." That is, when a judge sentenced the first defendant in a group to, say, 5 days in jail for intoxication, he was likely to require the same for all or most of the remaining defendants.

In studying a traffic court, Brickley and Miller (1974) observed the presence of a courtroom socialization process, whereby waiting defendants learned from the outcome of preceding cases the kinds of behavior expected from them by the court. Thus, for example, the initial plea of guilty or not guilty tended to set the pattern of pleas for the day.

In perhaps the most influential of these studies, Suffet (1966) observed the interaction patterns among judge, prosecutor, and the defense attorney in bail settings, to determine the power structure among the courtroom participants. Through 1,473 bail settings in the New York Criminal Court, an observer was positioned near the judge's bench to record verbatim the statements of these three participants. The observer noted the person initially suggesting a bail amount, the amount suggested, countersuggestions, and the amount finally set.

Three major patterns emerged:

1. The decision was simply made by the judge.

2. One of the attorneys made a suggestion, which was followed by a decision.

3. An initial suggestion met an objection by one of the attorneys, after which the judge decided.

Suffet found that the judge made the first suggestion in 53 percent of the cases, the prosecutor in 29 percent, and the defense attorney in only 18 percent. Suffet concluded that the defense attorney lets one of the other parties take the lead most of the time and saves his own initial suggestions for those cases in which they are likely to be successful (cases where the defendant had no prior record, was a respectable citizen, etc.). The prosecutor, on the other hand, could afford to let the judge make most of the initial suggestions, since the judge generally made even more stringent suggestions than the prosecutor would have himself.

In only 18 percent of the observed cases was there disagreement of any kind, either when the judge changed the bail amount first suggested by one of the attorneys or when an attorney objected to an amount suggested by the judge or opposing counsel. The prosecutor's request for higher bail achieved success in more than 4 out of 5 cases, no matter whose original suggestion he was objecting to. When the defense attorney argued against the initial suggestion of the prosecutor, however, the bail was lowered only about half of the time, and little more than a fourth of the time when arguing against the judge's initial suggestion.

Against the background of such informal procedural norms, observers of summary courtroom proceedings have noted quite uniformly that the appearance and demeanor of the defendant exert a striking effect on the outcome of these proceedings.

Mileski (1971) found, for example, that defendants who violated the informal norms of summary proceedings and those disrespectful toward the officials were situationally sanctioned by the judge. A disruption in the courtroom or a show of disrespect was more likely to provoke situational sanctioning than was the allegation of a serious criminal offense. Furthermore, in drunkenness cases, if the defendant offered an excuse for his behavior, he was more likely to receive a sentence of incarceration. Mileski also found an inverse relationship between the harshness of the sentence and the judge's disposition toward lecturing (or moralizing) to the defendant.

In their observations of mental health commitment hearings, D. Miller and Schwartz (1966) identified four basic interaction patterns of defendants (prepatients) toward court authorities: (1) the prepatient was defiant; (2) the prepatient was bewildered and confused; (3) the prepatient did not interact at all; or (4) the prepatient volunteered to be committed and in effect admitted his guilt. Miller and Schwartz found that all prepatients who attacked the decision or recommendations of the professionals present at the hearing suffered the adverse consequences of being disrespectful and were committed to the mental hospital. Prepatients who were able to approach the judge in a controlled manner, who used proper eye contact, sentence structure, and posture, and who presented their stories without excessive emotional response or blandness were able to favorably influence the court decision.

In juvenile hearings, the defendant's demeanor might be thought less likely to influence outcomes, since most of the important decisions regarding the juvenile defendant are actually made by court personnel (psychiatrists, probation officers, etc.) before the juvenile ever reaches the hearing (Cicourel 1968). Nevertheless, the delinquent's appearance and demeanor do seem to elicit situational sanctioning in much the same way as in criminal courts. Emerson's (1969) account of the juvenile hearing suggests that the delinquent is expected to display remorsefulness and acceptance of responsibility for his wrongdoing. Explanations of delinquent acts are generally regarded by the judge as categorically inadequate. The delinquent is expected to display a formal, rigid posture throughout the proceeding. A proper facial expression should convey worry and concern. The delinquent is expected to stand, to use honorary terms of address, and to use complete sentences. The judge normally assumes an authoritarian manner and tends to lecture the delinquent. As in criminal courts, the judge tends not to lecture in the atypical extreme cases (i.e., where the juvenile either is not thought to be in the wrong or is thought to be a hopeless case).

Such findings suggest the application of the general design for research on discretion to a wide variety of summary court proceedings. The appearance and demeanor of the defendant could be systematically related to the occurrence of situational sanctioning or to adverse formal outcomes of the court proceedings (controlling of course for characteristics of the offense). Since a single judge conducts a great many of these proceedings in a short timespan, and in a relatively constant setting, this general research design is uniquely facilitated.

The speed and informality of summary proceedings can present distinctive observational difficulties, however. Systematic selection and recording of information on cases may be difficult when

most cases are disposed of in 1 minute or less (Mileski 1971) in a hectic succession of cases. The courtroom is frequently crowded and noisy, with more than one person speaking at the same time. Participants' roles are sometimes difficult to identify, and the informal procedural moves and legal motions are often confusing. Cases may be temporarily suspended (so that defendants can obtain on-the-spot counsel, find their lawyer somewhere in the courthouse, locate witnesses, etc.) and resumed a few minutes later.

Observation in such settings is best done with at least two observers, enabling a division of labor if necessary, increasing the amount of data that can be gathered for each case, and permitting some determination of interobserver reliability.

Given the speed with which cases are processed, use of a highly structured observational schedule is practically mandatory. Precoded categories for grooming (e.g., unshaven, long-haired, cut or bruised) and for dress (e.g., work clothes, sports clothes, suit and tie, dress and heels) are readily employed. Similarly, the defendant's speech might be coded for accent, level of formality, forms of address, errors of syntax, unusual pronunciations, and use of colloquialisms, as well as for sheer quantity.

The defendant's general demeanor might be coded in terms of overall characterization along a few dimensions. Mileski (1971), for example, noted whether the defendant ever argued with the judge or attempted to justify or excuse his alleged offense, and also rated the defendant's deference toward the judge, excitement-detachment, and degree of cooperativeness. Categorization of this sort might usefully be supplemented by very discriminant coding of specific postures and gestures of the defendant, drawing upon the extensive social science research on nonverbal communication (Birdwhistell 1972; Mehrabian 1972). For example, certain gestures tend to communicate confidence (Nierenberg and Calero 1971), a characteristic which D. Miller and Schwartz (1966) have shown to influence outcomes in commitment hearings. The researcher might then choose to observe the prevalence of confidence gestures rather than simply rate in summary fashion the defendant's apparent degree of confidence.

Whatever the nature of the items, the observational schedule should be carefully revised through preliminary applications to summary proceedings in the court to be observed. The items should be pretested for frequency of occurrence, ease and reliability of coding, and how well they index the variables of interest.

In these preliminary applications, it would be most helpful to have present a person (e.g., lawyer) familiar with the court and its proceedings who can explain the distinctive practices and routines of that court. Such informed coaching through the preliminary applications will increase the observer's comprehension and ability to observe relevant detail.

Similarly, whenever possible the observer should obtain the information on the court docket prior to each period of observation. Prior knowledge of charges and the sequence of cases greatly increases ease of observation of hectic summary proceedings.

Once in the courtroom for observation, it is essential that the observer be positioned near the front of the courtroom, preferably at an angle to the judge and the defendant, so that the observer can hear clearly and see the postures, facial expressions, and gestures of the courtroom participants.

If such observational studies were to be conducted in a number of comparable courts, the researcher might also examine how defendants' conduct interacts with personal characteristics of the judges. For example, some judges choose to wear the formal black robe, while others wear a less formal suit and tie. A formally attired judge may expect defendants to display respect by dressing formally and thus be strict with informally dressed defendants, while dress may be of little significance to the informally dressed judge. It seems likely that the judge as well as the defendant displays his own expectations of the encounter by dress, speech, and demeanor, so that corresponding characteristics of defendants might affect one judge favorably and another unfavorably, depending on his own expectations. This type of hypothesis lends itself to application of the general design for research on disparity, relating judicial treatment of defendants to characteristics of the judges, controlling for characteristics of the offender and of the offense.

TRIAL PROCEEDINGS

In major metropolitan courts, few cases are submitted to trial (especially to jury trial), but these cases exert an influence on court organization far greater than their numerical proportion would indicate. In order to retain adequate bargaining power, both the prosecuting attorneys and the defense lawyers must demonstrate to the local criminal law community their individual trial abilities, i.e., their abilities to win cases at jury trial. Further, the presumed reactive tendencies of juries and judges in response to various features of cases serve as the principal criteria of the

lawyers in assessing the worth of particular cases, which in turn largely determines their negotiating tactics in these cases.

Despite the great organizational influence of the jury, jurors are untrained, civilian agents within the criminal justice system. Studies of real and simulated juries have shown that the informal social organization of juries reflects this acknowledged lack of professionalism (Kalven and Zeisel 1966; Erlanger 1970). To compensate for their lesser knowledge of law, juries tend to cede leadership to better-educated men of higher occupational status.

Accordingly, in a substantial proportion of cases, the juries' findings of guilt or innocence deviate from the conclusions reached by professional court agents such as the judges, presumably owing to greater weight being given to various extra-legal factors in the cases. Unfortunately perhaps, application of the general research designs for the study of discretion and disparity to the decisionmaking of real juries is not possible, since a jury disbands after deciding only one case, and since virtually no cases are acted upon by more than one jury. Moreover, direct field study of the decisionmaking process of actual juries has for a number of years been legally prohibited (Burchard 1958) in order to safeguard the privacy and safety of jurors.

The study of actual (rather than simulated) juries is, then, largely confined to posttrial surveys of jurors, to poorly controlled versions of the discretion design, and to observation of the passive, nondeliberative reactions of jurors in the courtroom setting.

For a nationwide sample of 3,576 criminal trials during 1954–55, Kalven and Zeisel (1966) had the presiding judges complete questionnaires which indicated both the jury's verdict and what the judge's own decision would have been. Judges also provided descriptive and evaluative information about the case, the parties and their counsel, and their own reasons for disagreeing with the jury.

The judges frequently reported that differential reaction to the defendant was the reason for disagreement on a case. Judges had been asked to classify the defendant as sympathetic, average, or unattractive. Kalven and Zeisel found that in seven out of eight comparisons, the sympathetic defendant created a higher disagreement rate, with the jury tending to acquit and the judge tending to convict.

Judges also reported that the sex of the defendant was frequently the reason for disagreement. For example, in homicide cases where the judge would have acquitted, the jury acquitted only 7 percent of the male defendants as compared to 41 percent of the female defendants.

Judges also reported that the attractiveness of the defendant was a major reason for acquittal. Defendants who were young, well dressed, used proper speech and presented an overall good appearance were more likely to gain the jury's sympathy. Conversely, of the cases where the jury convicted but the judge would have acquitted, 14 percent were attributable to the defendant factor, i.e., the jury finding the defendant guilty because he was unattractive. In some cases judges reported that the defendant seemed to have prejudiced the jury because of some unattractive behavior related to the crime.

Judges also reported that defendants with good work records, high prestige occupations, veterans still in uniform, students, public office holders, and policemen tended to impress the jury favorably. Defendants who were ill or had physical handicaps gained the jury's sympathy, as well as defendants who showed strong emotion (remorse) in the courtroom.

The performances of defense counsel and the prosecutor were also given as reasons for disagreement between the judge and the jury. Some of the reported errors on the part of the prosecution were: the prosecutor was too technical, poorly prepared, too eager, or antagonistic. Some of the same errors were also attributed to the defense counsel. Positive behavior of the lawyers included a good closing argument, skill in the introduction of evidence and in cross-examination, personality, and social status. One judge reported that the jury probably acquitted because the defense attorney was "young, sincere and appealing."

More direct studies of simulated juries confirm the importance of these factors. H. Hoffman and Brodley (1952) studied civil cases (three juries in a municipal court of a large city) and a simulated criminal case (rape) in the form of a mock trial. All subjects were asked to fill out questionnaires after the trials. Subjects were asked "What was your opinion and reaction to the various attorneys?" Subjects tended to give favorable descriptions of the counsel on the side they voted for and less favorable descriptions of the side they voted against. Lawyers on the side they voted for were described as "convincing" and lawyers on the side they voted against were described as "boring."

In Stanton's (1964) analysis of a jury's reaction to a civil case, he found that jurors were quite tolerant of the inconsistencies in witnesses' testimony. Similarly, Marston's (1924) study of a simulated jury trial seemed to indicate that the witnesses' apparent self-confidence had a greater effect on the jury than did the logic of the testimony.

Schulman et al. (1973) conducted an indepth study of the

process of jury selection for the trial of the Harrisburg Seven. After the trial, jurors were interviewed to determine the jury's reactions to the trial. They found that most of the women jurors were mistrustful of one of the witnesses for the prosecution "on sight" and tended to discount his testimony. One juror said "his whole attitude, his general look" bothered her. The jurors disliked one of the defense attorneys because they disliked his style and speech, but liked another because he had "showmanship, ability to think on his feet."

Landy and Aronson (1974) studied the influence of the characteristics of the victim on 261 simulated jurors' decisions to sentence a defendant accused of a crime. Subjects read an account of an identical case of negligent automobile homicide, except that in one-half of the cases the victim was described as attractive, and in one half of the cases the victim was described as unattractive. The description of the defendant was the same for all subjects. Subject's were then asked to give a sentence of from 1–60 years. The results of the experiment were not highly significant ($p=.08$) but were in the predicted direction. The mean sentence in the attractive victim condition was 15.77 years, and in the unattractive victim condition was 12.90 years. The experiment was then replicated using a 2×3 design, with an attractive and unattractive victim condition, and an attractive, neutral, and unattractive defendant condition. As expected, the sentence was greater (10.55 years) with attractive victims than in the unattractive victim conditions (8.48 years), and the attractive and neutral defendants received fewer years (8.58 and 8.22 respectively) than the unattractive defendants (11.75). The unattractive defendant/attractive victim condition received a greater mean number of years (13.89) than any other condition.

The results of the limited amount of research that has dealt with jurors' reactions to the trial participants seems to suggest that strong opinions are formed in the course of the trial which are frequently based on extra-legal characteristics of the participants. In addition, Simon (1967) provides evidence which seems to indicate the the jurors' decisions are formed primarily in the courtroom rather than during deliberations. In her simulated studies of the defense of insanity in two criminal cases (a house-breaking and an incest case), she found that for about half of the jurors, the opinion they held before entering the jury room was the same as the final verdict of the group. Given that most of the decisionmaking occurs in the courtroom in the course of the trial, it seems appropriate to look at the court proceedings for an explanation

of the way in which the jury reaches a decision. The researcher needs a systematic method for classifying the behavior of the participants and for measuring the jury's reactions to their behavior.

All of the data necessary to study the decisionmaking process as an ongoing process that takes place in the courtroom can be obtained through direct observation of the trial. Jury trials are much easier to observe than many other kinds of courtroom proceedings, since trial proceedings are likely to be highly organized. The courtroom is relatively empty and quiet, and the observer can easily hear and see all of the participants.

Some general characteristics of all of the participants can be collected through direct observation. Dress, sex, age, and style of speech would seem to be relevant characteristics for all participants. The occupation of the defendant, victim, and witnesses could easily be obtained in the course of the trial. In addition, the nonverbal behavior of the participants might be used as indicators of the participants' feelings, attitudes, etc., which may greatly affect the jury's reactions to the individual. An observation schedule should be designed to collect the particular kinds of behavior that past research has suggested to be relevant to the jury's impression formation.

Research has suggested that relevant characteristics of the defendant might include the defendant's social status, general attractiveness, sex, and demeanor. One relevant dimension of demeanor might be the defendant's degree of self-confidence. Confidence is an attribute that is communicated at least in part by the individual's nonverbal self-presentation. Nierenberg and Calero (1971) suggest gesture clusters that are indicative of confidence and another set that are indicative of anxiety or stress, which could easily be observed in the courtroom. An erect body position, sustained eye contact and the "steepling" gesture indicate confidence. These gestures could be coded as merely present or absent, or counted to indicate degree of confidence if they were to be used for comparative purposes.

The amount of anxiety or stress felt by the defendant is no doubt related to the defendant's degree of confidence. Generalizing from the research findings on confidence, one would probably predict that the more signs of anxiety or stress exhibited by the defendant, the more negative the jury's reaction to the defendant. Nierenberg and Calero suggest that (1) holding the arms behind the back, (2) locked ankles, (3) clenched fists, (4) scratching the head, (5) rubbing the back of the neck, (6) gripping the wrist, (7) fidgeting

in a chair, and (8) rubbing a palm against fabric all suggest the presence of anxiety or stress. Since these gesture clusters should be treated as a cluster, one or two instances of these gestures should not be treated as evidence of high anxiety.

Kalven and Zeisel (1966) also observed that the jury seems to respond to the defendant according to two related but independent dimensions—credibility and sympathy. Hovland, Janis, and Kelly's (1953) work on communication and persuasion suggests that persons with high prestige occupations, high educational levels, and who are older are more credible than their low-status occupation, low education, young counterparts. These characteristics of the defendant may create a positive set that is more important to the jury's impression of the defendant than the actual persuasiveness or consistency of the facts in the case. Kalven and Zeisel (1966) also suggest that some defendants tend to elicit more sympathy from the jury than others. Defendants who have dependents, are women, or have physical handicaps or serious illnesses seem to elicit more sympathy. Sympathy might also be gained by controlled outbursts of emotion and remorse. Outbursts which are the result of anger are likely to have a negative effect on the jury.

The defendant's general attractiveness might be coded according to type and condition of clothing, hair style, and other facial and physical characteristics, such as facial abnormalities or the defendant's body build. Such coding schemes might be based on cultural stereotypes of personal appearance. For example, Secord (1958) reports findings of the presence of many such physiognomic cultural stereotypes. For example, older males are thought of as distinguished, responsible, refined, and conscientious. A person wearing glasses is thought of as intelligent, dependable, and industrious. Women with thicker than average lips are associated with sexiness. A high forehead is associated with intelligence and a mesomorphic body build is associated with aggressiveness and energy.

Many of these characteristics are also relevant regarding the victim and the witnesses in the case. Witnesses, of course, should be classified as for or against the defense. In addition to signs of confidence, anxiety or stress, credibility, and sympathy, the witnesses' testimony can be analyzed for nonverbal cues of honesty and doubt. Nierenberg and Calero (1971) suggest that signs of honesty include the hand to chest gesture, open hands, and uncrossed legs. Doubt about what one is saying is usually accompanied by gestures such as a hand covering the mouth, rubbing

the nose, rubbing the eyes, and looking away from the person they are speaking to. In addition to nonverbal cues, expressions of doubt such as "I'm not sure" or "I don't know" could be coded (Marston 1924).

Lawyers for the defense and the prosecution seem to play an important role in forming the jury's impressions of the case. The lawyers seem to be able to influence the jury positively or negatively while addressing the jury and when questioning and cross-examining witnesses. In addition to nonverbal cues of confidence, nervousness, and doubt, the lawyer's nonverbal behavior could be coded as open or defensive. A lawyer with an open presentation is more likely to be able to persuade than a lawyer who is defensive. Openness is communicated by the gesture clusters of an unbuttoned coat (males), open hands, and the hand to chest gesture; and defensiveness is communicated by arms crossed on the waist (women) or chest (men), clenched fists, and fingers wrapped around the bicep (Nierenberg and Calero 1971). Displays of defensiveness may communicate to the jury the lawyer's lack of faith in the persuasiveness of the case.

Since the lawyer's role in the setting of the jury trial is to persuade the jury, the lawyer is also likely to use various verbal strategies to persuade the jury in his opening, and in particular, his closing statement. Some strategies may be convincing while others are not. Hovland, Janis, and Kelly (1953) investigated the effectiveness of various strategies in persuasive communications. Strategies studied were the use of high versus low fear arousal, explicitly drawing a conclusion versus leaving the conclusion implicit, statements which present one side of the argument versus statements that present both sides of the argument, and location of the strongest argument at the beginning or at the end of the message. The opinion that the jury holds before the trial begins, as well as social characteristics of the jurors, are probably related to the effectiveness of any particular strategy. The use of these various strategies could be identified in the lawyers' remarks and related to the jury's reactions to the use of these strategies.

The judge may influence the jury by displaying nonverbal signs of doubt or disbelief in reaction to the lawyer's opening and closing statements and witnesses' testimony. The judge may also communicate positive or negative evaluation of the proceedings. Nierenberg and Calero (1971) identify an evaluative gesture cluster. Signs of positive evaluation include placing a hand on the cheek, tilting the head sideways, and leaning forward in the seat. Signs of negative evaluation include wiping the index finger

across the nostrils and drawing the body back in a chair. In addition to these nonverbal signs exhibited in the course of the trial, in some States and in Federal cases, the judge is also allowed to summarize the evidence at the close of the trial and comment on the weight of the evidence and the credibility of the witnesses. The judge's remarks may positively or negatively influence the jury's decision.

These characteristics and behaviors of the courtroom participants may be thought of collectively as the extra-legal variables which elicit a positive or negative reaction from the jury. A systematic method of recording the jury's reaction to these variables is also necessary. Various rough groups of gesture clusters might also be used to determine the jury's reactions to the events of the trial. A receptiveness cluster could be used as a general indicator of the jury's positive or negative reaction. Positive signs are open hands, uncrossed legs, moving toward the edge of the chair, and placing a hand on the chest. Negative signs include crossing the arms on the chest or waist, clenched fists, fingers wrapped around the bicep, and crossed legs. The evaluation cluster could be used to determine whether the jury is evaluating the proceedings positively or negatively. Another gesture cluster is indicative of decisionmaking, which might be used to indicate major points of decision in the trial. Signs of decisionmaking are pinching the bridge of the nose, stroking the chin, and squinting the eyes (Nierenberg and Calero 1971).

Of course, one or two observers will not be able to observe all jurors at all points in the trial. This problem may be overcome by systematically time-sampling jurors for observation throughout the trial.

Analysis of this type will enable the researcher to isolate the jurors' reactions to specific individuals and to groups of individuals (e.g., the defense or the prosecution) as well as various temporal portions of the trial, relating these reactions to the jury's decision, and thus identifying decisionmaking points in the trial. Understanding behavior and characteristics that elicit positive or negative responses from juries may help explain the jury trial as a decisionmaking process.

Results of such field studies could be amplified and refined through application of these techniques to the study of simulated jury trials. The advantage of studying a simulated trial would lie in the additional kinds of information that could be gathered from the jurors. An early study by Weld and Danzig (1940), for example, studied jurors' decisionmaking in a civil moot trial.

The trial was divided in 18 stages. Subjects were asked to give a tentative decision at the end of each stage on a 9-point scale ranging from definite conviction that the defendant was liable, to a definite conviction that the defendant was not liable. They found that changes in judgment during the trial were related to the opening and closing statements of counsel and to the personality of witnesses and counsel. They also found that at least 25 percent of the jurors reached a fairly definite decision early in the trial, and that only 1 in 41 jurors changed his vote in the jury room. Using "decision intervals" as Weld and Danzig did, would enable the researcher to relate indicators of reactions to actual decisions, in order to construct more accurate indicators, and to identify the behavior immediately prior to the decision and the type of information necessary to make a decision.

The use of nonverbal indicators may also be useful in the study of jury selection. The use of nonverbal indicators has generally been suggested as a useful tool to the lawyer for selecting a sympathetic jury. Katz (1968–69), for example, suggests a number of gestures that the lawyer should note before selecting a jury. For example: (1) If the juror's feet are crossed, he is not accepting you; (2) if his hands are open, he is receptive; (3) if he is kicking his foot with crossed legs, he is hostile; (4) if he is "talking through his teeth" he is hostile; and (5) if he has his hands on his hips he is rejecting you. Observation of nonverbal behavior of the jurors may also provide interesting information to the researcher. The receptiveness gesture cluster could be used to assign pretrial attitude scores toward the defense and the prosecution for each juror. These scores would then be related to the jurors' reactions to the individuals in the trial (especially to the lawyers' attempts to persuade) and to the juror's final decisions (Schulman et al. 1973). Overall, the use of nonverbal indicators provides the researcher with a technique for studying variables in a real jury trial that in the past have been impossible to tap.

SENTENCE HEARINGS

In the majority of criminal cases, the most substantial formal proceedings in the higher criminal courts are those postconviction proceedings in which the judge determines the fate of the convicted. The judge may set a fine or sentence the defendant to a term of imprisonment; if the latter, the judge will determine whether the sentence is to be suspended, served on probation, or

served in various types of incarceration. Although the judicial responsibility for these decisions is typically diffused (the judge relying heavily on the recommendations of the prosecutor, defense lawyer, and probation officer), it is in these hearings that the power of the judge is felt most heavily.

The actual sentencing process has received little direct field study, the participant observation research of the American Bar Foundation team (Dawson 1969) and of Neubauer (1974*b*) representing the major instances.

Sentencing outcomes, on the other hand, have been rather heavily studied, primarily through the analysis of existing court documents. Unfortunately, almost all of these studies represent rather poorly controlled applications of the general research designs for the study of discretion and disparity.

Discretion

Many sentencing studies examine the relationship of various characteristics of offenders to sentencing outcomes, perhaps controlling for type of offenses, but generally neglecting to hold constant the identity (or type) of judges—assuming instead that judges are interchangeable, at least within a single court. Despite these design failings, the results of these studies of judicial discretion warrant some review as a substantive guide to future research.

Green (1961) studied the effects of age, sex, and race on the severity of the sentence, based on analysis of information from official court and police records of the city of Philadelphia. Judges did show a tendency to be more lenient with females, with youthful offenders, and with whites. However, both sentence severity and the offender characteristics exhibited characteristic links with patterns of criminal behavior. Green found that women tended to be convicted of less serious crimes, that younger offenders had less serious criminal records but tended to commit more serious crimes, and that blacks and older offenders tended to be recidivists. When such patterns of criminal behavior were held constant, the effects of age, sex, and race on sentence severity were found to be negligible.

Race of victim, in relation to race of offender, has also been investigated, on the hypothesis that inter-racial crime is punished more severely than intra-racial crime. Bullock (1961) found relatively indirect support for the hypothesis, as did Garfinkel (1949) more directly in his study of North Carolina homicides. From higher to lower, the rank order of severity of punishment was black offender-white victim, white offender-white victim, black offender-black victim, and white offender-black victim. In his Philadelphia study, however, Green (1964) found that, controlling for patterns of criminal behavior, there was no consistent tendency to be unduly harsh or lenient toward any one particular offender-victim racial relationship. Hindelang (1972) suggests that the inconsistencies in such racial discrimination studies may be accounted for by the geographic location of the study. He notes that studies finding support for discrimination have been done in the South, while studies finding no support have been done in the North. Studies finding support for discrimination are about 10 years older than those finding no support; similarly, studies finding support for discrimination have dealt primarily with homicide while those not finding support have dealt primarily with property crimes. Hindelang does note, however, that studies finding no support for racial discrimination have tended to exercise more control over relevant nonracial variables.

In a study of larceny and assault cases, Nagel (1969*b*) related type of sentence to social class (indigent-nonindigent) and to education (no high school-some high school or more). Controlling for offense and prior record, indigents were found to be less likely to be recommended for probation by the probation officer or to be granted probation or a suspended sentence by the judge. Nagel suggests that this differential may be due to differences in quality of counsel as well as to the negative impression the poor defendant makes in a middle-class court. Similarly, less educated defendants were more likely to be imprisoned, perhaps because they may be thought to be poor rehabilitation risks by judges and probation officers.

The type of plea entered by the defendant has also been related to the length or type of sentence received. It is widely believed that offenders who plead guilty tend to receive lighter sentences than those who plead not guilty. Once again, the findings are mixed. Carter and Wilkins (1967) found that offenders who entered a plea of guilty had a significantly greater chance of being recommended for probation than those who entered a plea of not guilty. Bullock (1961) also found in his study of Texas inmates that those who pleaded guilty received short sentences in greater proportion than those who pleaded not guilty. Green (1961) found that only in cases of convictions of crime against personal property

(which are commonly accompanied by offers to make restitution) was it clear that the defendant benefited by a guilty plea.

In fact, no single offender characteristic seems to account for much variation in the extremely complicated process of judicial decisionmaking. Hagan (1974) reanalyzed 20 studies of extra-legal factors from 1928–1973. The major independent variables in these studies were race, socioeconomic status, age, and sex. Hagan concludes that, in general, the relationship between extra-legal factors and the sentence is small and explains relatively little. It seems clear that the effects of these factors do not operate in isolation, but in combination with one another in each specific case.

Disparity

Sentencing outcome studies have also sought to examine differences among judges' sentencing patterns as functions of judicial backgrounds and personal characteristics. Again, unfortunately, such studies tend to represent poorly controlled applications of the general research design for the study of inter-agent disparity. They may control for offense, but generally fail to control for characteristics of offenders—assuming instead that over a long run of cases offender characteristics will not differ significantly between judges (at least within a single court). Despite these design limitations of existing studies, their findings concerning the effect of characteristics of judges on outcomes might usefully be reviewed.

Nagel (1969*a*) conducted an extensive study designed to investigate the relationship between decisionmaking and the personal backgrounds of Supreme Court judges. His subjects were 313 State and Federal Supreme Court judges who were listed in the 1955 *Directory of American Judges*. Background information was obtained from the *Directory of American Judges, Who's Who in America,* the *Martindale-Hubbel Law Directory,* and governmental directories published by the States. The Eysenck attitude questionnaire designed to measure liberalism was mailed to the 313 judges. All full court cases which were heard in 1955 were analyzed. The cases involved both appeals and habeas corpus proceedings and centered around the question of guilt, punishment, or procedure. Each judge was given a decision score which represented the proportion of times he voted for the defense, out of all the times he voted in criminal cases. The data were analyzed according to what judicial characteristics if any were related to a decision score above the average for a given court.

Nagel found that 57 percent of the judges scoring above the median on liberalism were also above the average on decision scores for their respective court. Half of the judges who were not former prosecuting attorneys had decision scores above the average, whereas only 36 percent who had been prosecuting attorneys had such scores. A former defense attorney alone had a decision score of 94 percent for the defense. In California, the two Democrats had an average decision score of 85 percent for the defense, while the two Republicans had an average decision score of 18 percent for the defense. Nonmembers of the American Bar Association had decision scores above the average for their respective courts, while only 37 percent of the American Bar Association members had scores above the mean. Of the Protestant judges, 31 percent had decision scores above the mean, while 56 percent of the Catholic judges had such scores.

However, after replicating most of Nagel's results, Bowen (1965) found that when analyzed with the multiple regression technique, none of the background variables explained more than a fraction of the total variance among the judges. No single variable accounted for more than 16 percent of the variance, and most were in the 1–8 percent range. Bowen's results tend to cast doubts on the utility of studying background characteristics in isolation from the overall decisionmaking process.

The Sentencing Process and Disparity

In general, then, the poorly controlled versions of both the discretion and the disparity designs have produced inconsistent and fragmented results. Aside from degree of control, two reasons for this outcome may be suggested. First, sentencing outcome studies have generally relied exclusively on analysis of existing documents, known to be erratic and rather superficial. Second, a more comprehensive model of the sentencing process may be needed, a model which includes variables not found in existing institutional records.

Hood and Sparks (1970) suggest an elaborate model for the explanation of the sentencing decision which attempts to explain variation in decisionmaking by taking into account the way in which the particular judge categorizes and perceives the information available to him. Hood and Sparks suggest that each judge

brings with him to each case an elaborate set of attitudes. These attitudes are a result of personal variables such as age, sex, social class, political affiliation, and personality characteristics. In addition, each judge has a certain "role set" that has a general effect on his view of his work. His role set may be a combination of length of experience, status on the bench, previous type of legal experience, and manner of handling court procedure. In addition, and importantly, he also has an individualized body of knowledge about alternative types of punishments and treatments available. He also comes to each case with a general view about what the aim of punishment should be—retribution, prevention, specific deterrence, general deterrence, or rehabilitation.

The judge is then confronted with an actual case. Information about the case is supplied by the prosecution, defense, probation officers, psychiatrists, etc. When the case is being heard, the judge has some control over what information will be used by imposing the legal rules, e.g., the rules of evidence. At this point the judge must assess the seriousness of the offense and solidify his perception of the offender's character. Hood and Sparks suggest that there are several major ways of conceptualizing the offense as well as the offender.

The offense may be categorized according to the degree of harm done to the victim, the inherent wickedness of the crime, or in terms of the danger of the offense to the community. If the judge conceptualizes the offense in terms of the degree of harm done to the victim, then the information about the offense that might be relevant to him would include such factors as the amount of injury or harm done. If he views the crime in terms of the inherent wickedness of the crime, he might be interested in the offender's intent or community values. If the judge perceives the most salient aspect of the crime as its potential danger to the community, then such factors as potential harm and prevalence of the offense are important. The way in which the judge conceptualizes the offense will be related to his perception of the seriousness of the offense.

The offender may be categorized as "dangerous-not dangerous," "wicked-good," "mentally ill-normal," etc. The offender's criminal record and mental history may be relevant to the "dangerous" category; criminal record, work record, family behavior, and plea may be relevant to the "wicked-good" category; and medical reports and family history may be relevant to the "mentally ill-normal" category. Information about the offense and the offender then feeds back and is processed in light of the judge's goals of

punishment. The information may also feedback and affect his existing set of attitudes about sentencing.

Once this processing is completed, the judge has three decisions to make. He must now decide his specific aim (or balance of aims) in the particular case. He must decide the type of penalty (e.g., prison) and the specific terms of the penalty (e.g., years of the prison term).

Hogarth's (1971) study of the judicial decisionmaking of 71 full-time Canadian magistrates included many of the variables that Hood and Sparks suggest as crucial to an explanation of the sentencing decision. In addition to mental characteristics of the magistrates, Hogarth obtained extensive information specific to each case decided, through use of a "sentencing study sheet" which the judge completes at the time of sentencing. The sheet includes: (1) name, age, marital status, and sex of the offender; (2) the disposition; (3) sources of information; (4) time spent considering the sentence; (5) purpose of the remand; (6) assessment of the crime; (7) assessment of the offender; (8) factors considered in determining the sentence; (9) purpose of the disposition; (10) factors used in the treatment plan; (11) adequacy of existing resources; and (12) consideration for parole (Hogarth 1967).

Hogarth studied the decisions of 71 judges over an 18-month period, and decided that gathering such extensive questionnaire data on each judge and on each case is quite costly to both the judges and the researcher. Furthermore, even with designed data reflecting a more comprehensive model of the sentencing process, Hogarth's study still presents a difficult application of the disparity design, in that the various judges may be assigned quite different types of cases.

The emergence of sentencing institutes has provided an enhanced setting (Weick 1968; pp. 376–380) for simultaneous study of the sentencing process and of inter-agent disparities of sentencing outcomes in a more controlled field setting. Since passage of enabling legislation in 1958, judges and other court personnel have periodically participated in "sentencing institutes" to analyze sentencing problems and to regularize sentencing practices (Sharp 1959; Remington and Newman 1962). Some of these sentencing institutes have included workshop sessions in which a number of judges are presented with identical cases, are asked to make independent sentencing decisions, and are brought together to discuss and analyze these decisions. Such workshop sessions provide a uniquely advantageous setting in which to embed unobtrusively data collection techniques appropriate to controlled study

of complex models of decisionmaking and of inter-agent disparity.

Such a study might involve three stages of data collection. In the first stage, information on basic judicial characteristics would be elicited from the participating judges through respondent interviewing or questionnaires. In addition to standard variables such as age, political affiliation, number of years on the bench, and previous types of legal experience, a role-orientation scale might be developed and applied to index each judge's beliefs about the way in which cases should be handled. (Such a scale might be based on the judicial typologies of Blumberg 1967, and Ung and Baas 1972.) Judges' views on the aims of punishment, on the seriousness of various offenses, and on the moral worth of various types of offenders might also be measured. (The items employed by Hogarth (1971) represent a reasonable approach to measurement of several of these variables.)

In the second stage of the study, the judges would be presented with a brief description of each of the several cases under consideration in the workshop and would be asked to make an independent sentencing decision on each case. Presentation of information on the case might take the form of the "information board" technique, a standard test developed by Wilkins and Chandler (1965) to study the way in which probation officers select and use information in making probation recommendations, a technique readily adaptable to studying how judges use the information typically contained in presentence reports in making sentencing decisions. Some 30 standard categories of information about the offense (e.g., the charge, the complainant's account of the crime, the co-defendant's account) and about the offender (e.g., the general appearance of the offender, age and sex, scholastic achievement, attitudes toward authority) are commonly used. These categories function as headings for a series of cards, each of which contains case information corresponding to its heading. The cards are arranged so that only the heading is visible, and the judge would be allowed to select and read these cards in any number or order that he desires. The researcher would observe the order and total number of cards read. The judge would be asked to indicate when he felt he had sufficient information to make a sentencing decision. In addition to this final decision, the judge would be asked to make a tentative decision after each four cards. Each interim and final decision would be recorded, and the judge would be asked to rate his degree of ease in making each of the decisions and his degree of confidence in them. Data on the judges concerning sentencing decisions, ease, and confidence would be

the dependent variables of the study, to be related to judicial characteristics measured in the first stage and to characteristics of information selection as measured through the information board technique.

In the third stage of the study, the judges would be brought together for a discussion of the case, their various sentencing decisions and the issues raised therein, as the main focus of the sentencing institute would demand. This group discussion might be observed and recorded to obtain the account offered by each judge of the rationale for his own decision and characteristic sentencing practices. This information could be used to cross-check and/or amplify the findings of the first two stages.

The results of such a study might cast important light on inter-agent disparities in sentencing (since the cases would be standard across a set of judges) and on variations in the decisionmaking process that determine these disparities. Since the tasks given to the judges are basically quite normal to those of any sentencing workshop, such a study would be substantially less vulnerable to the threat of reactive arrangements than would an experimentally contrived study of similar design. Furthermore, some cross-validation might be feasible by observing the sentencing behavior of the same judges with respect to comparable cases in their home courts.

FIELD RELATIONS IN STUDYING THE COURT

As noted, the court system is a sprawling organizational empire encompassing a number of public offices. The offices of the prosecutor and public defender may be studied as semi-autonomous agencies, as discussed in the preceding chapter. So, to a lesser extent, may the probation office and the office of the clerk of court. The core of the court system—the courtroom and the judge's chambers—is strictly under the control of the judges and their personal staffs, and these same agents exert very great influence on the other semi-autonomous offices as well.

Organizational access for field research on the courts must at some point be negotiated with the judges. Since judges are essentially relatively elevated and senior members of the local criminal law community, the considerations involved in establishing and maintaining field relations in the court system differ little from those reviewed in the previous chapter. Two points should be stressed, however. First, whatever the level at which internal

sponsorship is obtained (even at the level of the judges), organizational access will have to be renegotiated at all levels and in all segments of the system. Second, since not all members of the court system are lawyers, the problems of obtaining subject access, informational access, and rapport may be expected to prove more heterogeneous than in studies of the criminal law community. The class backgrounds, work orientations, and civil service statuses of clerks, bailiffs, and probation officers dispose these agents to view the researcher and his activities in quite different fashions (differing among these categories and differing from the viewpoint of the lawyers). Although some of these agents may rank much below the lawyers who dominate the court, their position affords them the capability of denying the researcher certain important subject and informational access.

Since courtroom proceedings are normally open to the public, it might be presumed that studies confined to courtroom interaction could proceed without having to negotiate access. Insofar as the researcher's data collection activities are quite unobtrusive and can successfully be conducted from a position in the spectator's gallery, such an approach might be attractive. With the high rate of activity in the courtroom, however, some form of continual overt data recording would usually be necessary. Such visible activity is likely to offend and perhaps threaten the judge or his courtroom staff, who might eject and subsequently bar the researcher. Moreover, the substance of courtroom interaction is often bewilderingly ambiguous (especially in summary proceedings), so that the researcher may need interpretive assistance from a courtroom regular. The judge and his staff usually find such frequent whispered conversations to be both offensive and threatening. And, finally, the visual and aural perspectives on courtroom proceedings afforded by a position in the gallery are typically most unsatisfactory for purposes of systematic data collection.

Even for completely passive observational studies of courtroom interaction, then, the researcher will probably need to negotiate organizational, subject, and informational access with the judges. He will need to obtain prior access to the court docket and permission to conduct his observations from a suitable position at or near the bench. If successful in obtaining such access, the researcher will appear to the public to be another member of the courtroom staff (much like the official court reporter), imposing certain constraints on his appearance and demeanor in order to maintain proper court decorum.

CHAPTER 6

Observing Corrections

In the framework of the legal code, persons duly convicted of crime are sentenced to some type of punishment in retribution for their offenses against society. In the American experience, corporal and capital punishments have been almost entirely displaced by various forms of punishment through deprivation of liberty, principally imprisonment. Criminals are sent to prison *as* punishment, rather than *for* punishment. As prisons have proved increasingly troublesome and expensive, less severe forms of deprivation of liberty have tended in turn to displace imprisonment.

Society seeks not only to punish criminals but also to incapacitate them as criminals, through some form of isolation (not necessarily spatial) from the community at large. As additional protection against the occurrence of criminal acts, society seeks to deter members from criminal behavior through dramatizing the punitive consequences of criminality. Fear of punishment is relied on as an effective incentive to refrain from criminal acts.

Imprisonment proved invariably successful as punishment, relatively successful in restricting convicts' criminal actions, and somewhat doubtfully effective in deterring others from crime. At the same time, the classic American prison system efficiently enhanced depravity and insanity among the prisoners.

Consequently, prison reform movements were enabled to persuade society that protection from crime could and should be achieved through reforming (correcting or rehabilitating) criminals into self-supporting, law-abiding citizens. Although the aim of rehabilitation has only supplemented rather than displaced the aims of retribution, incapacitation, and deterrence, its humanitarian character has secured its ascendency in the philosophy of institutions administering post-conviction programs.

Federal and State prison agencies are now "departments of corrections," prisons are "correctional facilities," guards are "correctional officers," and solitary confinement cells are "adjustment centers." The emergence of the rehabilitation movement has fostered not only the socialized-therapeutic court, as described in

chapters 4 and 5, but also a wide range of correctional programs involving less severe forms of deprivation of liberty more compatible with rehabilitative efforts.

The contemporary field of corrections includes not only jails and prisons but the entire range of post-conviction programs—diversion, probation and parole, furloughs, graduated release, halfway houses, and community-based therapeutic and educational programs.

Due in part to the early alliance of social scientists with the rehabilitation movement, a great deal of the research in the field of corrections is concerned with evaluating the effectiveness of correctional programs, especially with regard to their effect on the likelihood of further criminality among those who have been treated in such programs (Glaser 1964; Wilkins 1969). Other significant research has dealt with aspects of the functioning of correctional agencies within the larger system of criminal justice and will be reviewed here.

JAILS

The one correctional agency with which the largest number of offenders have some contact is the jail, inasmuch as jails serve as both a site for pretrial detention of offenders and as a short-term incarceration center for misdemeanants. Jails are local agencies, under the administration of the sheriff in most counties, the chief of police in some cities, or a city jailor in some metropolitan areas. Being locally financed and under the direction of a law enforcement agent, most jails are completely without any correctionally trained or professional personnel. The great majority of jails are decrepit, unsanitary, maximum-security facilities—offering no work, treatment, educational, or recreational programs—in which persons with a wide range of medical, social, or behavioral pathologies are thrown together under overcrowded conditions (Flynn 1973).

By far the largest proportion of jail inmates are in the jail for purposes of pretrial detention (often for 3–4 months), to ensure that they will make the required court appearances and to protect the community against their further criminal acts. Although the dehumanizing aspects of criminal processing begin with the stripping, fingerprinting, and photographing in the police station, it is in the jail that the offender effectively loses contact with his family, friends, job, home, and personal belongings and clothes.

Irwin (1970) points out that pretrial detention threatens the structure of the offender's personal life in two distinct ways:

> First, the disjointed experience of being suddenly extracted from a relatively orderly and familiar routine and cast into a completely unfamiliar and seemingly chaotic one where the ordering of events is completely out of his control has a shattering impact upon his personality structure. One's identity, one's personality system, one's coherent thinking about himself depend upon a relatively familiar, continuous, and predictable stream of events. In the Kafkaesque world of the booking room, the jail cell, the interrogation room, and the visiting room, the boundaries of the self collapse. (p. 39.)

Second, while in detention the offender is unable to perform any of his basic social roles in the community. As a result, his network of social relationships collapses—he loses his job, family roles become strained, and bills go unpaid. Under the shock of this collapse of roles, relationships, and identities, the offender typically experiences acute remorse and regret and is susceptible to resocialization.

Blumberg (1967) has shown how the prosecutor tends to benefit by the typically oppressive effects of pretrial detention. Although delay in trial is usually of advantage to the defense case, the impact of pretrial detention on the offender is such that defendants are frequently disposed to plead guilty in order to escape the jail conditions, to be moved to the less crowded and oppressive prison.

For most offenses, the accused is legally eligible for diversion from the trauma of pretrial detention. Such diversion is most commonly available through bail bond programs, in which a money bond is posted to ensure the accused's return for any required court appearances. Bail bondsmen frequent most urban courthouses, arranging to post such a bond for a cash commission. Defendants who cannot afford to pay the bondsman's fee are thus denied diversion from pretrial detention (Goldfarb 1965). Consequently, many courts are beginning to employ diversion programs alternative to the money bond, including release-on-recognizance, unsecured appearance bonds, and pretrial confinement programs (Wice 1973).

Whatever the form of the diversion program or the agency which conducts it, the decision to divert an acused from pretrial detention is a discretionary one, reflecting some agent's judgment as to the seriousness of the offense, the likelihood that the accused will commit further crimes while at large, and/or the likelihood

that the accused will return for court appearances. This discretionary decision to divert is of considerable consequence, since statistics suggest that an accused who has spent the pretrial period in jail is more likely to be convicted than one who has not (Foote 1954; Kamin 1965).

The discretionary decisions of a single agent could be studied by means of the general design for research on discretion, in which outcomes are related to various characteristics of the offenders, controlling for type of offense. Disparities in the discretionary proclivities of parallel agents could be studied through the general design for research on disparity, in which decision patterns of the various agents are related to selected characteristics of the agents, controlling for characteristics of the offender and the offense.

It is not as facilities for pretrial detention of the accused, however, that jails are treated here as correctional agencies, representing post-conviction programs. Many convicted misdemeanants are sentenced to short-term incarceration in jails, since only a few of the larger metropolitan centers regularly separate detainees from the convicted. Due to the small size, mixed populations, high turnover, and absence of programs characteristic of jails and related local facilities for short-term incarceration, research on these institutions in their function as correctional agencies is virtually nonexistent (Mattick 1974).

PROBATION

Probation is the oldest and most frequently employed of the post-conviction programs involving less severe deprivations of liberty. Originally probation was essentially a sentencing disposition in which a term of imprisonment was conditionally suspended by the judge, with the criminal's conduct in the community being kept under institutional scrutiny for compliance with the court-imposed conditions. Today, probation is increasingly a sentence in its own right, without a determined sentence of imprisonment in suspension. Conditions are still imposed and the sentencing court simply retains authority to modify the conditions of sentence or to re-sentence the offender if he should violate the conditions. Some more or less standard conditions include stipulations that the offender not violate any laws, not leave the State without court consent, report regularly to probation officials, make restitution to victims, and pay probation costs. Additional, more individualized conditions may also be imposed, such as refraining from drinking, or holding a steady job.

Associated with virtually every criminal court is some type of probation agency, local or State, which may be under the administration of either the judicial or the executive branch of Government. The probation agency has two principal functions: to recommend to the court for or against probation in individual cases and to supervise (or serve) those offenders who are placed on probation. Given the ascendency of the rehabilitation movement and the relatively early emergence of probation programs, probation officers more than any other correctional personnel are drawn from and draw upon the discipline of social work. As a consequence, courts tend to view them as supervising offenders with respect to compliance with imposed conditions, while probation officers tend to view themselves as social caseworkers in a helping relationship with probationers.

Caseloads are typically very heavy, with the result that supervision is often quite minimal, amounting in many cases to having the probationer regularly sign in with an agency clerk while delivering payment of the assessed restitution and probation costs (McIntyre 1967). So far as resources permit, of course, probation officers do conduct checks on probationers' conduct and welfare, usually by interviewing probationers, family members, employers, neighbors, and police, particularly where more individualized conditions have been imposed by the court. In many jurisdictions probation officers have some degree of statutory authority to terminate or revoke probation independent of the sentencing judge. Exercise of this discretionary judgment is a significant topic for research, similar to that discussed regarding the parole officer's discretionary decision to revoke parole (see page 127).

The more central function of the probation agency, however, is to investigate and report on the character and circumstances of the convicted offender and on the nature of the offense. Since the judge ordinarily learns little about the offender through official court proceedings (particularly since few cases are even tried in court but are settled by guilty pleas), individualized sentencing consonant with the goals of the socialized/therapeutic court must rely on some extra-judicial investigation of this sort. The social work background of the probation officer is thought to ensure that his investigation and recommendation will be impartial and objectively concerned with the optimal rehabilitation of the offender.

The form and content of both the investigation and its reporting are controlled almost exclusively by the probation officer and his agency supervisors (Keve 1960; Wallace 1974). The probation officer's discretionary judgment in uncovering, interpreting, and

reporting relevant facts—as well as in recommending for or against probation—is of great significance, since the judge has little other basis for his decision.

Carter and Wilkins (1967) found, through a large-scale comparison of presentence reports and judicial decisions, that judges almost always follow the recommendations of probation officers. Whether due to judicial trust in the professional expertise of the probation officer, to genuine consensus on judgmental standards, or to probation officers' successfully anticipating what the judges would want to hear, the concurrence of recommendation and decision lend great importance to the presentence report.

Wilkins and Chandler (1965) have usefully employed a standard test (the "information board" technique) to study disparities among probation officers in presentence investigation. Information pertinent to each of 34 categories (derived through content analysis of actual presentence reports) was typed on 34 separate cards, which were then arranged so that only the names of the categories (e.g., offender's attitudes toward authority) were visible. The probation officer taking the test was permitted to read any cards he wished in arriving at his recommendation for or against probation for the case described, and the researcher recorded the order in which the officer read the cards. The officer was also asked to make interim recommendations (e.g., after having read only four cards) and to rate his degree of confidence in the recommendation and his degree of ease in arriving at it.

Wilkins and Chandler found a surprising lack of agreement among the probation officers as to the value of the information available to them. Only the charge, the complainant's account and the offender's account, were among the first 10 items of information chosen by more than 10 of the subjects. Adding "teacher evaluation" and "attitudes toward authority," these five items were chosen within the first 10 by more than half of the subjects. In addition, the decision for or against probation was not related to the pattern of information search. Although there was very little change in decision after viewing the first 10 cards, only two subjects indicated to the experimenter at any point that they had had enough information. One stopped after 20 items, and the other after 26 (total items=49). There was a general tendency for the decisions to become more lenient as the amount of information increased. They did find a high positive relationship between the subject's confidence and his ease in making the decision. Carter (1967) and Robison et al. (1969) used the same technique in similar studies of probation officers in California with comparable results.

Since both offenders and offenses are standardized for all agents taking the test, disparities not only in interim and final recommendations but also in types of information employed, confidence in recommendations, and ease of making recommendations could be related to characteristics of probation officers, as in Carter (1967). The external validity of this application of the general design for research on disparity could be enhanced by embedding such a test in a naturally occurring field situation, such as a civil service examination or an inservice staff evaluation exercise.

PRISONS

Most facilities for long-term, complete incarceration of convicted felons can be classified as prisons, whether or not they closely resemble the stone-walled, iron-barred fortresses of the classical stereotype. Since imprisonment remains the central (though no longer the most frequent) disposition of felons, the study of prisons continues to dominate research on correctional programs.

In the organizational chart of virtually any prison, the line-of-command personnel (from warden to guards) are those prison officials primarily responsible for the custodial/punitive functions of the institution. Other personnel, concerned with extracting profitable labor from inmates or with rehabilitating inmates, serve essentially as advisory staff to the line officers. As in military and industrial organizations, the dynamics of prisons as formal organizations are perhaps most easily approached through study of staff-line relations (Cressey 1960, 1965; Ohlin 1960; Street et al. 1966).

The bulk of research on prisons has dealt rather with their informal organization, particularly within the inmate population in relation to the custodial/punitive concerns of the line personnel (Clemmer 1940; G. Sykes 1958; Cressey 1961). Relations among inmates and with prison officials are dominated by the traditional inmate code centered (according to Cressey 1973) around five normative ideas: (1) No inmate should do anything to jeopardize another's privileges; (2) inmates should avoid quarrels with other inmates; (3) no inmate should take advantage of another; (4) inmates should be strong and self-respecting; and (5) no inmate should accord respect to prison officials or the world they represent. Though often violated, of course, this code promotes inmate control of other inmates, and thus greatly facilitates officials' custodial and order-maintenance efforts.

Much research (Schrag 1961; Garabedian 1963; Irwin 1970) has been directed toward delineation of types of subcultures among inmates (e.g., crime-oriented, prison-oriented, "straight"-oriented) and their varying relations to and under the inmate code. Some of these studies have also cast light upon officials' cooptation of inmate elites (through distribution of power and privileges) to further control of other inmates by the elites through invocation of the inmate code.

Study of subcultural types of inmates in relation to the discretionary favors of line officers has been best pursued through participant observation designs, heavily emphasizing data collection through informant interviewing, as in the study of at-large criminal communities (see chapter 2).

Staff officers, too, exercise important discretionary judgments concerning types of prisoners, and these judgments better lend themselves to more standardized methods and designs for research. From the viewpoint of the therapeutic/rehabilitative staff, for example, it is expected that different types of prisoners will respond differentially to various types of treatment programs. Indeed, one of the emerging foci of evaluation research in the field of corrections is the study of the interaction between type of inmate and type of treatment (Hood and Sparks 1970).

In more modern correctional systems, prisoners are initially subjected to more or less intensive diagnostic and classification processing to determine the type of treatment they should receive. In some States, prisoners are sent to a specialized intake center for several weeks for such program identification before being assigned to an appropriate prison where sentence will be served.

Typologies for official classification of inmates may be formal or informal. Perhaps the most familiar formal classification is that employed by the California Youth Authority (Warren 1969). Delinquents are classified by levels of "interpersonal maturity" (low, middle, and high) and within levels by "typical mode of interaction with the world." Thus, low-maturity delinquents are either "unsocialized aggressive" or "unsocialized passive"; middle-maturity delinquents are "conformist immature," "conformist cultural," or "manipulator"; and high-maturity delinquents are "neurotic acting-out," "neurotic anxious," "cultural identifier," or "situational emotional response" types.

Informal typologies employed for adult inmates tend to resemble the more formal diagnostic typologies. Through content analysis of inmate records from California reception/guidance centers, Irwin (1970) identified the four personality models most frequently used in characterizing inmates as being those of emotional disturbance, moral unworthiness, subcultural carrier, or phenomenological explanations.

The discretionary decisions of individual classification officers—their formal or informal classifications, treatment recommendations, and assignments of inmates to particular facilities—could be studied through the general design for research on discretion. Controlling for classification agent and the nature of the offense, such decisional outcomes could be related to characteristics of the inmates. Similarly, the general design for research on disparity could be employed to relate patterns of classification decisions to characteristics of the classification agents, controlling for both the characteristics of the inmates and the nature of the offenses. Irwin (1970) suggests, for example, that the four informal classificatory types he identified are used with distinctively differential frequencies by three types of classification agents—probation officers, correctional counselors, and prison psychologists.

PAROLE

Parole is the release of an offender from a correctional institution, after he has served a portion of his sentence, under the continued custody of the State and under conditions that permit his reincarceration in the event of misconduct until expiration of the original term of commitment. Parole represents a form of graduated return to the community and is today the predominant form of release for prison inmates.

Parole Boards

Unlike probation, which is granted by the courts, parole is almost always an administrative decision, made by a parole board of 3–7 members appointed by the State Governor and/or department of corrections. Typically, the law, the behavioral sciences, and corrections are expected to be represented among the members of the board, though State political considerations tend to be more influential in board composition. In some of the larger States, supplementary and less prominent hearing examiners are also appointed to conduct much of the more routine interviewing and decisionmaking.

Even in States which do not make use of the indefinite sentence,

the length of time an offender spends in incarceration for an offense is effectively determined by the parole board rather than the sentencing judge (Glaser 1973*a*). Until recently, the administrative decisionmaking of parole boards involved no guarantees of due process, and many irregularities and injustices in parole deliberations have been alleged. On the other hand, it is claimed that parole boards have more information on the conduct and adjustment of the offender in incarceration than judges have at the time of sentencing so that parole decisions are more objective and appropriate.

Given the overcrowding of prisons and the expense of continued incarceration, parole authorities generally favor early parole. The major consideration against granting parole in any case is the fear that the parolee will commit further crimes once released. Other inhibiting concerns include maintaining rough equity in time served, avoiding public outcries against excessive leniency, and avoiding unfavorable reactions from other components of the criminal justice system (O'Leary 1974). Also of considerable relevance to parole decisionmaking are the beliefs held by board members regarding the sources of criminality, strategies for changing offenders, and the nature of the relationship between the correctional system and the offender.

Parole decisionmaking, then, shares many features with the sentencing process, though it involves collective decisionmaking (as in a jury) rather than simply individual, as in sentencing by a judge. Sentencing councils and some sentencing institutes present a closer parallel, so that the research strategies discussed for studying the sentencing process and disparity (see pp. 113–115) might readily be applied to the study of parole hearings as well (Gottfredson and Ballard 1966).

Current procedures of the United States Board of Parole especially facilitate fruitful application of the general designs for research on discretion and on disparity. Case decisionmaking is delegated to two-man teams of hearing examiners following explicit decision guidelines based on the interaction between characteristics of the offender and characteristics of the offense (P. Hoffman and DeGostin 1974). For each combination of values of these two variables, the guidelines specify a range of time normally to be served before release. The Board reviews the decisions of the examiner panels, particularly those decisions which fall above or below the specified time ranges. Restricting researcher attention to review hearings on these deviant cases would greatly reduce the dross rate encountered in parole hearing research.

Parole Officers

Like probation officers, the field staff of parole agencies are charged with (1) providing supervision and control of the parolee to reduce the likelihood of criminal acts while he is serving his sentence in the community and (2) providing assistance and services to the parolee, so that noncriminal conduct becomes possible.

The strain between these two duties is considerable; often the parole officer must tolerate some violations of parole conditions or even the law in order that the parolee remain free to continue making progress toward a legally acceptable lifestyle. Typologies of parole officers (Ohlin, Piven and Pappenfort 1956; Glaser 1964; Irwin 1970) derive primarily from patterns of resolution of this role strain.

Perhaps the central discretionary judgment of parole officers is whether to request revocation of parole for violations of parole conditions. Such revocation lowers the success rate of the parole program and is to be avoided, but no parole officer can afford to appear to have been lax should one of his parolees be apprehended for a grave offense. Irwin (1970) has insightfully detailed the structural basis of the fragile equilibrium maintained by parole officers between these competing pressures.

Parole officers vary significantly in their rates of violation reports and revocation requests (Martinson et al. 1964; Robison and Takagi 1970), suggesting the applicability of the general design for research on disparity. Perhaps based on a quota sample of types of parole officers, sustained observation of the contacts between parole officers and their clients (similar to observational studies of police-citizen encounters reviewed in chapter 3) could generate data for each client on technical violations known to the parole officer. Controlling for the nature of the violations and for characteristics of the parolees, the reporting decisions of the sampled parole officers could be related to the characteristics or type of parole officer.

COMMUNITY-BASED PROGRAMS

Unlike imprisonment, which removes the offender from the community, a number of correctional programs deal with the offender within his own community. The major community-based programs—diversion, probation, and parole—have already been

described in this or earlier chapters. Other community-based programs, however, are also assuming increasing importance within the corrections system (Moeller 1974).

Some of these programs serve as alternatives to imprisonment and some as adjuncts to prison terms. Probation is clearly an instance of the former and parole an instance of the latter. Residential programs, such as halfway houses or group homes, may serve as either, i.e., halfway to prison or halfway out of prison. Among the nonresidential programs, some (e.g., day treatment centers with vocational training, school and counseling programs, guided group interaction programs) are principally viewed as alternatives to incarceration. Others (e.g., work- or study-release programs, family visit furloughs, ethnic awareness programs) are principally external adjuncts to imprisonment.

Whether residential or nonresidential, alternative or adjunct, community-based correctional programs represent less severe forms of deprivation of liberty than imprisonment and are thought to provide more effective contexts for delivery of rehabilitative services. Such programs are run more cheaply than prisons, engender less stigmatization of offenders, and permit less socialization into criminal patterns. Rates of recidivism generally compare rather favorably with those of prisons.

Since community-based programs provide lesser degrees of retribution and incapacitation, they represent alternatives to imprisonment only for those offenders who have been convicted of less severe crimes and who are judged to pose little danger to the community. These discretionary judgments are made by the sentencing judge on the basis of presentence investigations by probation officers. Not all offenders referred by the courts are acceptable to the administrative staffs of community-based alternative programs, so that participating offenders may be temporarily removed to secure custody or even terminated from a program by administrative fiat. Without due process, then, an administrator may effectively send an undesirable offender to prison. Given the wide variation in the nature and competence of programs and staffs of community-based alternatives and adjuncts, administrative discretion and disparity in revocation of program participation deserve study through the familiar general designs for such research.

As necessary background to research on such matters, much more must be learned about the social organization of the great variety of emergent community-based programs. Perhaps the most ambitious study of this type is the ongoing research of Lloyd Ohlin and his associates on the statewide reorganization of

juvenile corrections in Massachusetts, following that State's virtually complete closing of custodial facilities (Ohlin, Coates, and Miller 1974).

Ohlin's group relies primarily on a quite distinctive form of team observational survey, in which community-based programs (rather than individuals) are the basic elements to be observed. Each observer is in sustained contact with one or more programs, and after each period of observation completes an observational schedule reporting any changes in or additional information on standard aspects of organizational dynamics of that program. The items of the observational schedule are all open-ended rather than closed-response questions and require (often very extensive) narrative rather than precoded responses. Selection of observational content through schedule items and the framework for narrative responses to the items is closely derived from a dense theoretical model of organizational dynamics. Consequently, schedule responses are pegged at a more abstract analytical level than is typical of direct observation (A. Miller 1972).

FIELD RELATIONS IN STUDYING CORRECTIONS

The methodological literature affords little guidance to problems and tactics in conducting field research in the area of corrections. Fortunately, however, the ascendency of the rehabilitation movement has brought it about that the majority of correctional programs are staffed and/or dominated by the behavioral/clinical helping professions. Field relations in studying such programs are facilitated by the similarity in personal and educational backgrounds of these professionals and the researcher, engendering considerable social, political, and ideological compatibility. Professional staff are likely to support the relevance and utility of social research and to evince considerable understanding of the role of social researcher. Problems of field relations do emerge even in such settings, of course, but they are essentially problems encountered in studying any welfare agency. Beck (1970) provides a helpful guide to field relations in the study of welfare organizations.

The more distinctive field problems in corrections research are encountered in programs dominated by custodial and punitive concerns, most notably prisons.

> One of the more distinctive structural features of [prisons] is the extent to which they exhibit in exaggerated form non-

> consensual solidarity. That is, they are social systems not bound together by basic consensus but rather organized around [cleavages] in values and interests, knit together at certain places by patterns of accommodation and collusion, and frequently marked by conflict. Thus many specific studies very quickly raise questions concerning patterned evasion of norms and particularized implementation of ostensibly universalistic prevailing norms—problems concerning which the prison administration can be assumed to be sensitive. The tactical question then of how such studies can be introduced must be regarded as a major factor in their feasibility. (Kassebaum 1970, p. 126.)

In most States, correctional facilities are administered by a central department of corrections. Few prison wardens would grant research access without clearing the matter, through departmental channels, up to the director. Kassebaum (1970) suggests that the director, in turn, will seek the opinion of his research division, so that an efficient initial approach is to contact the director for approval to confer with the research division. As always, organizational access will be influenced by the auspices and sponsorship (formal and personal) under which the researcher approaches the organization. In the case of the typical university researcher, his auspices and sponsorship are likely to be more knowledgably and favorably evaluated by the research division than by any other agent in the system.

Once in the prison, working access to the direct subjects of study (typically, inmates and/or guards) must be secured. Although these subjects may be quite indifferent or even hostile toward the research, they are seldom in a position to decline outright to tolerate the intrusion of the researcher.

Both inmates and guards are in a position, however, to block access of the researcher to the information he needs to obtain concerning the subjects. Observation is often foiled by withholding or altering normal conduct (Giallambardo 1966*a*) and interviewers must expect to be conned and duped. (Widespread functional illiteracy additionally frustrates easy use of tests and questionnaires). Mistrust is universal, given the pervasive conflicts and factionalism between and among inmates and guards.

The researcher's choice of role is a vital consideration. Some researchers have been full-time staff members (Clemmer 1940), some involuntarily committed inmates (Bettelheim 1943; Galtung 1961), and the majority overt researchers without official positions

(G. Sykes 1966; Morris and Morris 1963; Jacobs 1974*b*). Covert research roles not only restrict the researcher's range of activities but in the prison setting might well prove disastrous. The overt researcher will be assumed to function as a spy for some faction in the prison by every other faction (Jacobs 1974*b*); the research auspices he presents will not be taken at face value. As in studying criminals or the police (see pp. 34–36, 70–74), the researcher's role and his trustworthiness will be put to intensive and repeated tests by each faction.

In addition to the central problem of establishing some level of trust, the second barrier to achieving informational access is the local argot of the prison. Nuances in prison talk are frequently used to dupe and mislead the researcher. While prior studies of prison organization may help the researcher in anticipating the types of inmate subcultures he may expect to encounter, staff and inmate argot is too localized and changing to learn in any but the most direct manner.

As in studying criminals at large, the necessity for reciprocities in maintaining field relations poses serious problems. In the convict subculture, obtaining minor goods and privileges is the central concern; on the other hand, granting virtually any of the requested favors (e.g., mailing a letter) would be illegal. Jacobs (1974*a*) did help with legal advice and requests to the administration, in his attributed role as a prison reformer, and Giallombardo (1966*b*) apparently succeeded in convincing female inmates that her study would "help women in trouble everywhere."

CHAPTER 7

Additional Applications

Through the foregoing review of applications of field method to the study of the criminal justice system, several hortatory themes have been quite manifest and deserve explicit discussion here.

1. *Greater use of direct observation in relatively natural field settings.* Field method by definition virtually requires some minimum quantity of direct observation; the greater the reliance on direct observation as a means of data collection, the more clearly the study may be classified as an application of field method. Accordingly, considerable emphasis has been placed here on recounting details of emerging technologies, both organizational and electronic, which facilitate reliance on direct observation as a primary method of data collection in field settings.

2. *Greater use of multimethod studies.* Direct observation—or any other method of data collection, for that matter—must often be supplemented by the use of other methods in order to obtain all the information desired in a study. Furthermore, the validity of the study data depends importantly on triangulation among multiple methods (Webb, et al. 1966). Participant observation studies are necessarily multimethod, though not well adapted to testing isolated hypotheses. The hypothesis-testing power of experiments, quasi-experiments, and (especially) surveys is significantly enhanced when these designs make use of multiple methods of data collection.

3. *Greater use of joint designs.* Participant observation studies are ubiquitous in the field research literature on the criminal justice system, as are survey designs employing respondent interviewing or questionnaires. (Again, surveys relying on direct observation or on multiple methods are only beginning to emerge.) Recognition of the applicability of quasi-experimental designs and, especially, of true field experiments is also a fairly recent phenomenon, as demonstrated in the anthology edited by Steffensmeier and Terry (1975). It comes as no surprise, therefore, that conjoint applications of the basic research designs within single studies are badly underrepresented in the criminal justice literature. In the present review, scattered instances of conjoint participant observation/survey designs and of conjoint experiment/survey designs were described. Not even one extant instance of a conjoint participant observation/experiment design was encountered, although possible applications are readily suggested. (For example, participant observation in a large department store might suggest structural differences between clerks and security agents in responses to observed shoplifting; with cooperation from top management, this hypothesis could be tested through a controlled field experiment in which research confederates stage visible incidents of shoplifting.)

4. *Greater emphasis on hypothesis-testing through field methods.* The fertility of field studies of crime and the criminal justice system for generating qualitative organizational descriptions and theoretical formulations remains a major incentive for the use of field methods in this area. This function has always been central to participant observation (McCall and Simmons 1969) and is increasingly salient in applications of survey designs, such as the observational surveys of police and the interview surveys on victimization. While in no way seeking to diminish the descriptive and hypothesis-generating functions of field research, I have sought here to exhort and to facilitate applications of field methods to the further task of testing specific hypotheses. Such indeed is the import of the preceding three themes, calling for increased attention to structured data collection, validation of measures, and controlled research designs in the conduct of field research in the criminal justice system.

In none of the preceding chapters was any attempt made to review or evaluate the applicability of every method, technique, or design to the substantive problems of the chapter. Rather, I have sought to ensure that each method and design receive some discussion at several points within the monograph and that many techniques be mentioned at least once somewhere within those chapters. (An index is provided to enable the reader to locate those points.) If a particular methodological device is not cited within a given substantive chapter, the reader must not conclude that that device is inapplicable to research on that topic. With sufficient creative imagination, any of the methods, techniques, and designs discussed here could be fruitfully employed in field research on any sector of the criminal justice system. (For example, a field experiment could be designed to study the discretionary response of police patrols to staged domestic disturb-

ances, called in by research confederates with the cooperation of police command officers.)

Similarly, it should not be inferred that the applicability of the various methodological devices is in any way restricted or peculiar to study of the exercise of discretion. Although that topic is a matter of great legal, administrative, and sociological concern, my selection of it to serve as a focus and a thread of continuity through the criminal justice system was entirely a pragmatic organizational decision.

Within each chapter I have sought to invoke three subsidiary foci:

1. *Inter-organizational relations in the criminal justice system*—Dynamic interrelations among the citizen community, police, the criminal law community, courts, and corrections importantly condition the functioning of each of these components. Some significant research (e.g., the American Bar Foundation studies) has sought to comprehend an entire local criminal justice system as a dynamic entity. Such studies open the way for comparative analyses among local systems (Jacob 1973). Most inter-organizational studies, however, have investigated segmental relations between some two of these local components, such as citizen community and police, or courts and corrections.

2. *Intra-organizational relations*—Each component of a local criminal justice system is itself a quite complex social organization composed of interrelated segments and roles. In each chapter significant research has been cited which investigates the internal functioning of the relevant system component.

3. *Reactions of citizen participants*—Large numbers of citizens participate in the criminal justice system as offenders, victims, witnesses, jurors, and electors. Their individual experiences, attitudes, and reactions to the system are becoming recognized by researchers as of considerable importance, and significant research has already been conducted on the reactions of offenders (Casper 1972; Irwin 1974).

Finally, the reader is cautioned against the conclusion that field method is not applicable to applied research, for planning and, especially, program evaluation. Perhaps the majority of existing research on the criminal justice system is and has been directed toward these ends, and a significant portion of such applied research has (or could profitably have) utilized field method. While not ignoring measures of effort and of impact (i.e., adequacy of effective effort relative to total need), most evaluation research in this field has emphasized measures of effect (e.g., clearance

rates, conviction rates, appeal rates, recidivism rates) and of efficiency (S. Adams 1974; Suchman 1967). Relatively little emphasis has been devoted to the evaluation of process: how the program functions, for what types of client the program is effective, under what conditions the program is effective, what kinds of effect the program has. Too few evaluation studies are sufficiently concerned with more than one or two of the numerous and diverse goals of the larger criminal justice system, as these are sketched out earlier on pp. 18–19.

When evaluation of process and "satisficing" of multiple system goals is desired, the special advantages of applying field method in evaluation research become manifest. No study relying on official statistics and institutional records can adequately assess process and "satisficing"; for these purposes, field data are required. Moreover, in gathering field data on process, critical insights are often obtained into the manner in which the official statistics and institutional records on which much evaluation research rests are themselves generated through biasing procedures (Biderman 1966*b*; Black 1970; DeFleur 1975).

Field method, thus, may be seen to have crucial and growing applications to both basic and applied research on crime and the criminal justice system.

APPENDIX

An Observational Schedule for Study of Radio-Dispatched Police-Citizen Transactions

The University of Michigan
Center for Research on
Social Organization

Police Observation Study
1966

RUN FACE-SHEET

R-1 City_____

R-2 Precinct Number_____

R-3 Territory or Beat Number_____

R-4 Date: Day_____ Month_____ Year_____

R-5 Day of Week: [Check] ___1. Sun ___2. M ___3. Tu
___4. W ___5. Th ___6. F ___7. Sat

R-6 Shift: [Check] ___1. 12 - 8a.m. ___2. 8 - 4p.m.
___3. 4 - 12 midnight ___4. Other [Specify hours of the overlapping shift:_____]

R-7 Time of Police Activity in This Situation:
Time at Start_____
Time at Finish_____
Total Elapsed Time [Hours and/or Minutes]_____

R-8 Run Number_____

R-9 Observer's Name_____

RUN (Mobilization by Departmental Dispatch)

1. Definition of the situation by dispatch: [Check]

Part I--Usually Felonies

___01. Assault, aggravated or "serious" (e.g., knifing or shooting)
___02. Auto theft
___03. Burglary--breaking or entering, business place
___04. Burglary--breaking or entering, residence
___05. Burglary--breaking or entering, unspecified or other
[Write out:_____]
___06. Homicide, criminal
___07. Larceny--theft, auto accessory
___08. Larceny--theft, bicycle
___09. Larceny--theft, from auto (i.e., from inside auto)
___10. Larceny--theft, shoplifting
___11. Larceny--theft, unspecified or other
[Write out:_____]
___12. Rape, attempt
___13. Rape, forcible
___14. Robbery--business place
___15. Robbery--street (include purse-snatching)
___16. Robbery--unspecified or other
[Write out:_____]

Part II--Other Complaints

___17. Abandoned auto
___18. Assault, simple or minor (e.g., assault and battery, threat, etc.)
___19. Burglar alarm ringing
___20. Disturbance or dispute, bar-room
___21. Disturbance or dispute, domestic ("family trouble")
___22. Disturbance or dispute, landlord-tenant
___23. Disturbance or dispute, "neighbor trouble"
___24. Disturbance or dispute, noisiness or "disturbing the peace"

1. (Continued)

___25. Disturbance or dispute, rowdy party
___26. Disturbance or dispute, unspecified or other
[Write out:_____]
___27. Drunken person(s)
___28. Fight, gang
___29. Fight, juvenile or "kids"
___30. Fight, unspecified or other
[Write out:_____]
___31. Gambling
___32. Juveniles--trouble with teenagers and children (e.g., "trouble with boys")
[Write out:_____]
___33. Liquor law violation, underage drinking
___34. Liquor law violation, unspecified or other
[Write out:_____]
___35. Loitering
___36. "Peeping Tom"
___37. Property, stolen or "suspicious" (e.g., police check for suspicion of stolen property, buying and receiving, etc.)
[Write out:_____]
___38. Prostitution
___39. "Prowler"
___40. Sex offense (e.g., indecent exposure)
[Write out:_____]
___41. "Suspect"--a person suspected as offender
[Write out:_____]
___42. "Suspicious person(s)" or "suspicious situation"
[Write out:_____]
___43. Traffic violation, moving (e.g., speeding)
[Write out:_____]
___44. Traffic violation, standing (e.g., parking)
[Write out:_____]
___45. Traffic violation, unspecified or other
[Write out:_____]
___46. Vagrancy
___47. Vandalism--malicious destruction of property, juvenile

1. (Continued)

___48. Vandalism--malicious destruction of property, unspecified or other
[Write out:_____]

___49. "Wanted person" or possible wanted person
[Write out:_____]

___50. Weapon, carrying, possessing, etc.

___51. Unspecified or other complaint
[Write out:_____]

Part III--Miscellaneous Incidents and Problems

___52. Animal trouble--dogbite
___53. Animal trouble, unspecified or other
[Write out:_____]
___54. Auto accident, hit and run
___55. Auto accident--injuries
___56. Auto accident, unspecified or other
[Write out:_____]
___57. Fire
___58. Injured person (except traffic or dogbite injuries)
___59. Information request
___60. Information for police
___61. Lost person
___62. "A man down" (or woman)
___63. Missing juvenile
___64. Missing person, unspecified or other
[Write out:_____]
___65. Police escort request
___66. Police surveillance request
___67. Sick person (include maternity but not mental cases)
___68. Traffic or safety hazard
___69. Transportation of mental patient

1. (Continued)

___70. Transportation of person(s), other (e.g., juvenile to detention home)
[Write out:_____]

___71. Unspecified or other request or incident
[Write out:_____]

2. Write out in the words of the dispatcher, any additional or unusual features of the message that are not captured by a mere specification of the incident. (E.g., "Somebody's got a gun down there" or "the boys are back there again".)

_____
_____
_____
_____
_____
_____

3. Was this an assist of other police officers?

___1. Yes ___2. No

4. Response of officers to mobilization:

___1. Seen as urgent--e.g., use flasher, siren and/or drive fast
___2. Seen as routine--proceed directly or in usual fashion
___3. Seen as unimportant--dally en route to call
___4. Seen as unimportant--give priority to something else, detour
[Specify:_____]

5. Did the officers characterize the situation before they saw it? (E.g., "This guy's a regular. Calls a coupla times a month" or "We're going to have to get in and get out quickly on this one.")

___1. Yes ___2. No

If "yes", specify_____
_____

6. General context of situation:

___01. Upper-class apartment buildings
___02. Upper-class houses
___03. Middle-class apartment buildings
___04. Middle-class houses
___05. Lower-class apartment buildings or rooming houses
___06. Lower-class houses
___07. Commercial--downtown proper
___08. Commercial--other
___09. Mixed commercial and residential boarding houses, bars, shops, etc.
___10. Transitional or run-down mixed area
___11. Industrial--factories, warehouses
___12. Other (Specify:_____]

7. Specific setting of situation:

a. Within dwelling unit:
___01. One-room apartment
___02. Living-room
___03. Kitchen
___04. Hall or vestibule
___07. Other [Specify:_____]

b. Near and relevant to dwelling-unit:
___10. On landing, hall or stairway (i.e., inside an apartment building, but outside an apartment)
___11. In lobby
___12. On porch
___13. In yard, driveway or parking area
___14. Alley, sidewalk or street
___17. Other [Specify:_____]

7. (Continued)

c. In or relevant to business place:
___20. Business area or place where transactions with public take place
___21. Office or private area of employees, i.e., backstage from public, e.g., storeroom
___22. Near business place, e.g., street, alley, parking area
___27. Other [Specify:_____]

d. In or relevant to public institution:
___30. Medical setting, front stage-where transactions with public take place
___31. Medical setting, backstage--e.g., patient or employee area or consulting room
___32. Non-medical setting, e.g., school, park, front-stage where official or employee involved
___33. Non-medical setting, backstage, non-public part of institution--e.g., principal's office or employee area
___35. Open park or playground, perhaps sometimes supervised, but no official or employee present or relevant at the time
___37. Other [Specify:_____]

e. ___40. Public place--street, alley, etc., but not relevant to other setting
[Specify:_____]

___50. Inapplicable (setting was not located)

8. What was the condition of the specific setting?

___1. Run down, dirty, etc.
___2. Reasonably well-kept, clean, etc.
___3. Inappropriate (i.e., the above conditions do not help in characterizing the setting, e.g., a busy intersection) [Specify:_____]

9. Address of setting [Use address from incident log.]_____

_____

10. Arrival of police at designated setting:

___1. Police entered into situation which was seen by either citizens or officers as requiring police attention. (Note: Citizens may or may not have been present, e.g., abandoned auto.) [CONTINUE WITH ITEM #11]
___2. Police were unable to locate the designated setting (e.g., insufficient directions or non-existent addresses)--police left setting. [SKIP TO ITEM #28]
___3. No one answered--police left setting. [SKIP TO ITEM #28]
___4. Citizen denied that police were called--police left setting. [SKIP TO ITEM #28]
___5. Citizen said that there was no longer a desire or a need for the police--police left setting. [SKIP TO ITEM #28]
___6. Police found that other officers were handling the incident and needed no assistance--police left setting. [SKIP TO ITEM #28]
___7. Other--police left setting. [Specify:_____] [SKIP TO ITEM #28]

11. Did situation involve police interaction with citizens?

___1. Yes [CONTINUE WITH ITEM #12]

___2. No [GO TO ITEM #19]

12. Characteristics of the primary citizen participants in the situation: [Use one column for each participant. Place the most central person first, the second most central person second, etc.]

		#1			#2			#3			#4			#5		
Name, if given																
Sex		M		F	M		F	M		F	M		F	M		F
Race		W	N	O	W	N	O	W	N	O	W	N	O	W	N	O
Age--check	0-10 Child															
	10-18 Yg person															
	18-25 Yg adult															
	25-45 Adult															
	45-60 Middle-aged															
	60+ Old person															
Citizen's general role in the situation	Private citizen															
	Business manager, proprietor															
	Business employee															
	Public official															
	Public employee															
	Client or customer															
	Don't know															
Citizen's class	White collar															
	Blue collar															
	Don't know															
Citizen's income	High income															
	Middle income															
	Low income															
	Don't know															
Citizen's speech	Ordinary or middle class															
	Foreign or ethnic accent															
	Lower class															

Specify any other distinugishing features of speech, e.g., impediment, affectation, unusual vulgarity, comprehensibility:_____

_____

_____

13. Manner of the primary citizen participants in the situation:

	#1		#2		#3		#4		#5	
General State:										
Agitated										
Calm										
Very detached										
Don't know										
Toward Police:										
Very deferential										
Civil										
Antagonistic										
Don't know										
Sobriety:										
Sober										
Some signs of drinking										
Drunk										
Don't know										
Does citizen make special, particularistic appeal to officers	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Write out:										

14. Specific roles of the primary citizen participants in the situation:

	#1	#2	#3	#4	#5
Complainant					
Offender--suspected or alleged offender					
Victim--e.g., sick person, parent of missing child					
Member of complainant group					
Member of offender group					
Member of victim group					
Informant					
Bystander					
Don't know					

15. Characteristics of other citizens in the situation: [This item will be used only if there are more than five (5) citizens in the situation. They should be described in aggregates depending upon their specific roles (as laid out in Item #14) in the situation.]

	Complainant Group			Offender Group			Victim Group			Informant			Bystander			Don't Know		
Total Number																		
Sex: Male, Female, Both	M	F	B	M	F	B	M	F	B	M	F	B	M	F	B	M	F	B
Age: Juvenile Adult, Both	J	A	B	J	A	B	J	A	B	J	A	B	J	A	B	J	A	B
General Roles in the Situation:																		
Private citizen																		
Businessman																		
Business employee																		
Public official																		
Public employee																		
Client or customer																		
Mixed																		
Don't know																		
Class:																		
White collar																		
Blue collar																		
Mixed																		
Don't know																		

15. (Continued)

	Complainant Group			Offender Group			Victim Group			Informant			Bystander			Don't know		
Total Number																		
Sex: Male, Female, Both	M	F	B	M	F	B	M	F	B	M	F	B	M	F	B	M	F	B
Age: Juvenile Adult, Both	J	A	B	J	A	B	J	A	B	J	A	B	J	A	B	J	A	B
Income:																		
High income																		
Middle income																		
Low income																		
Mixed																		
Don't know																		
Manner--General State:																		
Agitated																		
Calm																		
Very detached																		
Mixed																		
Don't know																		
Toward Police:																		
Very deferential																		
Civil																		
Antagonistic																		
Mixed																		
Don't know																		
Other Pertinent Information: [Specify]																		

16. Were there any special difficulties in the assignment of roles to either the primary or other citizen participants in the situation? (E.g., a dispute over who the offender was.)

___1. Yes ___2. No

If "yes"--specify:_____

_____

_____

_____

_____

_____

_____

_____

_____

17. Relationships between the citizens in the situation: (Specify the pre-existent relationships between the incumbents of the various roles--use the following code:)

Code

1. family
2. friend(s) or acquaintance(s)
3. neighbor(s)
4. mixed--#1-#4
5. business relationship
6. other formal relationship (e.g., teacher-pupil)
7. no apparent relationship
8. don't know
9. mixed--#1-#8
0. inapplicable

	Complainant	Offender	Victim	Complainant group	Offender group	Victim group	Informant	Bystander	Don't know
Complainant									
Offender									
Victim									
Complainant group									
Offender group									
Victim group									
Informant									
Bystander									
Don't know									

18. Witnesses:

Was there an "incident" which was or might have been "witnessed"?

___1. Yes ___2. No (e.g., sick person)

a. If "yes": How many witnesses were there? _____

b. If an incident was witnessed:

Witness(es) was: ___1. cooperative toward police
___2. uncooperative toward police
___3. detached or "stand-offish"
___4. mixed--#1-#3
___9. don't know

Non-witness(es) was: ___1. cooperative toward police
___2. uncooperative toward police
___3. detached
___4. mixed--#1-#3
___9. don't know

c. Elaborate on the above if necessary: _____

19. Number of police and citizens present:

a. Total number of citizens related to the situation: [Do not count guides, bystanders or unidentified persons] _____

b. Total number of guides, bystanders, and unidentified persons _____

c. Total number of citizens [add "a" and "b"] _____

d. Total number of police officers present _____

20. Write out capsule description of situation at its outset: (e.g., specify the nature of any kind of "disturbance" that the police entered into) _____

21a. Definition of the situation after arrival of police: [Check the citizens' specification of the problem. If citizens are not present or cannot communicate, check the officers' definition.]

Part I--Usually Felonies

___01. Assault, aggravated or "serious" (e.g., knifing or shooting)
___02. Auto theft
___03. Burglary--breaking or entering, business place
___04. Burglary--breaking or entering, residence
___05. Burglary--breaking or entering, unspecified or other
[Write out:_____]
___06. Homicide, criminal
___07. Larceny--theft, auto accessory
___08. Larceny--theft, bicycle
___09. Larceny--theft, from auto (i.e., from inside auto)
___10. Larceny--theft, shoplifting
___11. Larceny--theft, unspecified or other
[Write out:_____]
___12. Rape, attempt
___13. Rape, forcible
___14. Robbery--business place
___15. Robbery--street (include purse-snatching)
___16. Robbery--unspecified or other
[Write out:_____]

Part II--Other Complaints

___17. Abandoned auto
___18. Assault, simple or minor (e.g., assault and battery, threat, etc.)
___19. Burglar alarm ringing
___20. Disturbance or dispute, bar-room
___21. Disturbance or dispute, domestic ("family trouble")
___22. Disturbance or dispute, landlord-tenant
___23. Disturbance or dispute, "neighbor trouble"
___24. Disturbance or dispute, noisiness or "disturbing the peace"

21. (Continued)

___25. Disturbance or dispute, rowdy party
___26. Disturbance or dispute, unspecified or other
[Write out:_____]
___27. Drunken person(s)
___28. Fight, gang
___29. Fight, juvenile or "kids"
___30. Fight, unspecified or other
[Write out:_____]
___31. Gambling
___32. Juveniles--trouble with teenagers and children (e.g., "trouble with boys")
[Write out:_____]
___33. Liquor law violation, underage drinking
___34. Liquor law violation, unspecified or other
[Write out:_____]
___35. Loitering
___36. "Peeping Tom"
___37. Property, stolen or "suspicious" (e.g., police check for suspicion of stolen property, buying and receiving, etc.)
[Write out:_____]
___38. Prostitution
___39. "Prowler"
___40. Sex offense (e.g., indecent exposure)
[Write out:_____]
___41. "Suspect"--a person suspected as offender
[Write out:_____]
___42. "Suspicious person(s)" or "suspicious situation"
[Write out:_____]
___43. Traffic violation, moving (e.g., speeding)
[Write out:_____]
___44. Traffic violation, standing (e.g., parking)
[Write out:_____]
___45. Traffic violation, unspecified or other
[Write out:_____]
___46. Vagrancy

21. (Continued)

___47. Vandalism--malicious destruction of property, juvenile

___48. Vandalism--malicious destruction of property, unspecified or other
[Write out:_____]

___49. "Wanted person" or possible wanted person
[Write out:_____]

___50. Weapon, carrying, possessing, etc.

___51. Unspecified or other complaint
[Write out:_____]

Part III--Miscellaneous Incidents and Problems

___52. Animal trouble--dogbite

___53. Animal trouble, unspecified or other
[Write out:_____]

___54. Auto accident, hit and run

___55. Auto accident, injuries

___56. Auto accident, unspecified or other
[Write out:_____]

___57. Fire

___58. Injured person (except traffic or dogbite injuries)

___59. Information request

___60. Information for police

___61. Lost person

___62. "A man down" (or woman)

___63. Missing juvenile

___64. Missing person, unspecified or other
[Write out:_____]

___65. Police escort request

___66. Police surveillance request

___67. Sick person (include maternity but not mental cases)

___68. Traffic or safety hazard

___69. Transportation of mental patient

21. (Continued)

___70. Transportation of person(s), other (e.g., juvenile to detention home)
[Write out:_____]

___71. Unspecified or other request or incident
[Write out:_____]

b. If any criminal damage or loss of property or money was involved, specify the approximate value of the damage or loss: $_____

22. Did citizen verbally specify a particular service he wanted?

___1. Yes ___2. No ___0. Inapplicable

If "yes"--check or write out:

___1. transportation to medical setting

___2. an arrest

___3. settlement of an argument or dispute

___4. advice or counselling

___5. special police surveillance or attention

___7. other--specify:_____

23. Was there anything unusual about how the citizens related to the police? (e.g., with hysteria, like boss to employee, etc.)

___1. Yes ___2. No

If "yes"--specify:_____
_____
_____
_____

24. Was there any noteworthy disagreement among the citizens as to the proper definition of the situation?

__1. Yes __2. No __9. Don't know __0. Inapplicable

If "yes"--specify:_____

25. What was the general police response to the prevailing definition of the situation?

___1. agreed and proceeded to take some kind of action (verbal or otherwise)

___2. disagreed but proceeded to take police action--specify the disagreement:_____

___3. saw as "unfounded" (without basis)

___4. saw as civil matter or "not police business"

___7. other--specify:_____

___9. don't know

26. Did the location of the situation change significantly during the progress of the encounter? [Do not include a movement to a medical setting or to the station.]

___1. Yes ___2. No

If "yes"--specify the nature of the change and the consequences of the change for the handling of the incident:

27. Did any new participants enter the situation during the progress of the encounter? [These persons should have been in earlier items.]

___1. Yes ___2. No

If "yes"--specify how many, what roles they played (complainant, informant, etc.), and how their entrance had consequences for the handling of the situation:_____

28. Police actions: [Check all that apply]

a. formal or official action

___1. made arrest [specify charge:_____]
___2. made arrest on suspicion or investigation [specify charge:_____]
___3. gave traffic ticket [specify:_____]
___4. gave other ticket [specify:_____]
___5. made official report [specify:_____]
___6. took to station
___7. other in this area [specify:_____]

b. informal use of power

___8. used physical force against person
___9. threatened with physical force
___10. threatened with arrest
___11. traffic warning [specify:_____]
___12. other threat or warning (e.g., unspecific warning) [specify:_____]
___13. admonished or moralized
___14. other in this area (e.g., other kind of degradation process) [specify:_____]

c. informal police action

___15. undertook investigation at setting
___16. undertook investigation outside of setting
___17. interrogated suspect(s) at setting
___18. interrogated suspect(s) outside of setting
___19. searched property at setting
___20. searched property outside of setting
___21. searched or "shook down" person(s) at setting
___22. searched or "shook down" person(s) outside of setting
___23. gave special surveillance or attention after leaving setting
___24. other in this area [specify:_____]

28. (Continued)

d. preparation or suggestion of future action

___25. called for more police at setting
___26. referred to other police unit [specify:_____]
___27. suggested further use of police service [specify:_____]
___28. referred to a non-police agency [specify:_____]
___29. suggested use of non-police services [specify:_____]
___30. encouraged citizen who wanted to sign a complaint [specify:_____]
___31. asked citizen if he would sign a complaint--citizen agreed [specify:_____]
___32. asked citizen if he would sign a complaint--citizen refused [specify:_____]
___33. offered or promised an investigation
___34. offered or promised special surveillance or attention
___35. other in this area [specify:_____]

e. physical service

___36. transported to medical setting
___37. transported--other [specify:_____]
___38. escorted to medical setting
___39. escorted--other [specify:_____]
___40. gave first aid or other physical assistance
___41. performed other physical service (e.g., removed dead dog) [specify:_____]

f. social service or "cool out"

___42. arbitrated in dispute (made judgment)
___43. mediated in dispute (acted as referee or "go-between")
___44. gave advice or counselling
___45. gave consolation or emotional support

28. (Continued)

___46. talked or "cooled" person into handling his problem himself

___47. talked or "cooled" person into seeing police action as undesirable because of its consequences

___48. talked or "cooled" person into denying that a problem existed in the first place

___49. talked or "cooled" person into seeing a problem as solved or taken care of after the fact of police action

___50. talked or "cooled" person into postponing his concern or demand by suggesting that he "wait and see" (e.g., "I'd suggest you let it ride for awhile...")

___51. used other "cool out" technique or gave other social service [specify:_____]

g. other

___52. took information, and encounter was terminated [specify:_____]

___53. gave or exchanged information, and encounter was terminated [specify:_____]

___54. continued to other business without having taken any action whatsoever [specify original definition of the situation_____
_____]

___55. other action taken--not categorized in above sections [specify:_____
_____]

29. Did the police comply with the central request or demand that was made in the situation?

__1. Yes __2. No __9. Don't know __0. Inapplicable

If "no"--specify the discrepancy:_____
_____
_____
_____

30. Manner of police behavior toward the primary and other citizen participants in the situation: [Use the same numbering system for primary citizens as was used in Items #12-14. For officers, use the same numbers as those used in the general (white) packet. Fill in the boxes with numbers from the appropriate codes.]

a. control of citizen [use one number per box]

Code

1. took firm control
2. maintained control
3. acted subordinate

primary citizens

officers	#1	#2	#3	#4	#5
#1					
#2					
#3					
#4					

30. (continued)

b. control of self [use one number per box]

Code

1. had firm self-control
2. maintained self-control
3. lost self-control

primary citizens

officers	#1	#2	#3	#4	#5
#1					
#2					
#3					
#4					

30. (continued)

c. manipulative techniques [use as many numbers as necessary]

Code

1. made particularistic appeal (e.g., "I'm Irish, too.")
2. used humor and jolliness
3. used subtle threats
4. used silence
5. attempted to redirect citizen's focal concern to something else (red herring technique)
6. used reasoning or problem-solving technique
7. other manipulative technique used

primary citizens

officers	#1	#2	#3	#4	#5
#1					
#2					
#3					
#4					

30. (continued)

d. general manner [use as many numbers as necessary]

Code

1. was hostile, nasty, provocative
2. was brusque, bossy, authoritarian
3. openly ridiculed or belittled
4. subtly ridiculed or belittled
5. was business-like, routinized, impersonal
6. was good humored, playful, jovial

primary citizens

officers	#1	#2	#3	#4	#5
#1					
#2					
#3					
#4					

30. (continued)

e. prejudice [use one number per box]

Code

1. obviously prejudiced
2. showed signs of prejudice
3. showed no signs of prejudice

primary citizens

officers	#1	#2	#3	#4	#5
#1					
#2					
#3					
#4					

30. (continued)

OTHER CITIZENS

[Use if more than five (5) citizens; same as those characterized in Item #15]

f. control of citizens [use one number per box]

Code

1. took firm control
2. maintained control
3. acted subordinate

other citizens

officers	complainant group	offender group	victim group	informant	bystander	don't know
#1						
#2						
#3						
#4						

30. (continued)

g. control of self [use one number per box]

Code

1. had firm self-control
2. maintained self-control
3. lost self-control

other citizens

officers	complainant group	offender group	victim group	informant	bystander	don't know
#1						
#2						
#3						
#4						

30. (continued)

h. manipulative techniques [use as many numbers as necessary]

Code

1. made particularistic appeal (e.g., "I'm Irish, too.")
2. used humor and jolliness
3. used subtle threats
4. used silence
5. attempted to redirect citizen's focal concern to something else (red herring technique)
6. used reasoning or problem-solving technique
7. other manipulative technique used

other citizens

officers	complainant group	offender group	victim group	informant	bystander	don't know
#1						
#2						
#3						
#4						

30. (continued)

i. general manner [use as many numbers as necessary]

Code

1. was hostile, nasty, provocative
2. was brusque, bossy, authoritarian
3. openly ridiculed or belittled
4. subtly ridiculed or belittled
5. was business-like, routinized, impersonal
6. was good humored, playful, jovial

other citizens

officers	complainant group	offender group	victim group	informant	bystander	don't know
#1						
#2						
#3						
#4						

30. (continued)

j. prejudice [use one number per box]

Code

1. obviously prejudiced
2. showed signs of prejudice
3. showed no signs of prejudice

	other citizens					
officers	complainant group	offender group	victim group	informant	bystander	don't know
#1						
#2						
#3						
#4						

31. Were any participants viewed as possible offenders or members of an offender group during the course of the entire incident?

___1. Yes ___2. No [Go to Item #37]

32. Was a personal and/or property search attempted or conducted by the police?

___1. Yes ___2. No [Go to Item #33] ___3. Don't know

If "yes":

a. What kind of search was attempted or conducted?

___1. personal ("frisk") [Go to "b"]
___2. property (e.g., auto or house) [Go to "c"]
___3. both personal and property [Continue with "b" and "c"]

b. If "personal":

(A.) Would observer say this "frisk" was necessary for the protection of the officer(s)?

___1. yes
___2. no
___9. don't know

(B.) Did the police ask the possible offender's permission before this "frisk" was conducted?

___1. yes
___2. no
___9. don't know

(C.) Did the possible offender(s) object to being "frisked"?

___1. yes [Specify what was said by both parties:
_____
_____]
___2. no

32. (continued)

(D.) Was the "frisk" conducted?

___1. yes
___2. no

(E.) Was a weapon or other possible evidence found?

___1. yes [What?_____
_____]
___2. no
___0. inapplicable (no "frisk" conducted)

c. If "property":

(A.) Was this attempted or made prior to an arrest?

___1. yes
___2. no
___9. don't know

(B.) How did the police attempt or manage to gain entrance?

___1. simply entered without asking permission
___2. asked and were granted permission [What was said by both parties?_____
_____]
___3. asked permission and were refused--did not enter
___4. asked permission and were refused--entered anyway (Do not include use of search warrant) [What took place between the parties?_____
_____]
___5. gained entrance with search warrant
___7. other [Specify:_____
_____]
___9. don't know

32. (continued)

(C.) Were there any objections to the search?

___1. yes [Specify what was said by both parties:
_____
_____]
___2. no
___9. don't know

(D.) Was a weapon or other possible evidence found?

___1. yes [What?_____
_____]
___2. no
___0. inapplicable

(E.) If a property search of a vehicle was attempted or conducted:

(a.) Was a vehicle search attempted or conducted at or near the scene of a possible crime?

___1. yes
___2. no [Where was it?_____
_____]
___9. don't know
___0. inapplicable

(b.) Did the police look closely at the vehicle's interior without actually reaching or climbing into it?

___1. yes
___2. no
___9. don't know
___0. inapplicable

(c.) Did the police enter the vehicle and search it?

___1. yes
___2. no
___9. don't know
___0. inapplicable

33. Was a possible offender(s) interrogated by the police?

___1. Yes ___2. No [Go to Item #34]

If "yes":

a. Where did the interrogation take place? [Check as many as necessary.]

	possible offenders #1	#2	#3
1. at the setting			
2. on the way to the station			
3. at the station			
4. other [Specify by writing in]			

b. How did the police approach the person(s)?

	possible offenders #1	#2	#3
1. simply began questioning			
2. polite request			
3. impersonal summons			
4. brusque or nasty command			
5. other [Specify by writing in]			

c. Why was the person(s) interrogated?

#1: _____

_____

_____

#2: _____

_____

_____

#3: _____

_____

_____

33. (continued)

d. Did the person(s) object to being interrogated?

___1. Yes ___2. No

If "yes", specify what was said by both parties:

#1 _____

_____

_____

#2 _____

_____

_____

#3 _____

_____

_____

e. What kind of constraints were placed on the person(s)? [Check as many as apply.]

	#1	#2	#3
1. taken to station			
2. seated in car			
3. other physical constraint (e.g., holding of arm)			
4. verbal constraint (e.g., "You're not going anywhere")			
5. no verbalized constraint			
7. other [Specify]			

33. (continued)

f. Did the person(s) object to any of the constraints?

___1. Yes ___2. No

If "yes", specify what was said by both parties:

#1 _____

_____

_____

#2 _____

_____

_____

#3 _____

_____

_____

g. How long was the person(s) required to remain in the officer's company before arrest or release? [Specify in minutes]

#1 _____ #2 _____ #3 _____

h. Was this person(s) released without being taken to the station? [Check]

	#1	#2	#3
1. Yes	_____	_____	_____
2. No	_____	_____	_____

i. Was this person taken to the station but not arrested? [Check]

	#1	#2	#3
1. Yes	_____	_____	_____
2. No	_____	_____	_____
3. Don't know	_____	_____	_____

33. (continued)

j. Did the person(s) confess to any offense?

___1. Yes ___2. No ___9. Don't know

If "yes"

(A.) When did he confess?

	#1	#2	#3
1. at the beginning--voluntarily	_____	_____	_____
2. after interrogation [Specify how long:]	_____	_____	_____
	_____	_____	_____

(B.) At what specific point in the process did this occur?

	#1	#2	#3
1. before the interrogation	_____	_____	_____
2. before a personal search	_____	_____	_____
3. before a property search	_____	_____	_____
4. at the time of an arrest in the field	_____	_____	_____
5. at the time of an arrest or booking at the station	_____	_____	_____
7. other [Specify:]	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

k. Specify any other pertinent information concerning the interrogation: (e.g., the amount of pressure applied by the officers, the relationship between a charge and a confession, etc.)

_____

_____

_____

_____

_____

_____

34. Was arrest, detainment, or a trip to the station used as a threat?

___1. Yes ___2. No

If "yes", specify, quoting if possible:_____

_____

_____

_____

_____

35. Was the person(s) apprised of his rights while the observer was present?

___1. Yes ___2. No ___9. Don't know

If "yes":

a. Where was the person apprised?

___1. at the setting
___2. on the way to the station
___3. at the station [Specify how long after arriving:
_____]
___7. other [Specify:_____
_____]

b. At what point in the process did this occur? [Check as many as apply.]

___1. before an interrogation
___2. before a personal search ("frisk")
___3. before a property search
___4. at the time of an arrest in the field
___5. at the time of an arrest or booking at the station
___6. at the time of a confession
___7. other [Specify:_____
_____]

35. (continued)

c. What did the officer say? [Quote if possible.]

_____

_____

_____

_____

36. Did the person(s) express a desire to consult an attorney or other third party?

___1. Yes ___2. No ___9. Don't know

If "yes":

a. Whom did he want to consult?

	#1	#2	#3
1. attorney			
2. family member			
3. friend			
7. other [Specify]			

b. At what point in the process did this occur? [Check as many as apply.]

	#1	#2	#3
1. before an interrogation			
2. before a personal search			
3. before a property search			
4. at the time of an arrest in the field			
5. at the time of an arrest or booking at the station			
6. at the time of a confession			
7. other [Specify]			

CONTINUED

2 OF 3

36. (continued)

c. What was said between the police and the offender(s)?

#1_____

_____

_____

#2_____

_____

_____

#3_____

_____

_____

37. Was anyone taken or directed to the police station during the progress of this encounter?

___1. Yes ___2. No [Go to Item #43]

If "yes", specify the total number of persons in the various roles. Then add together all persons and give overall total:

complainant and/or complainant group	_____
offender and/or offender group	_____
victim and/or victim group	_____
informant	_____
bystander	_____
don't know	_____
overall total	_____

38. Was an offender and/or offender group taken to the station?

___1. Yes ___2. No [Go to Item #43]

If "yes", specify the following: [Give information on three (3) persons, then aggregate the remainder under "others".]

38. (continued) possible or alleged offenders

		#1			#2			#3			others		
Sex		M		F	M		F	M		F	M		F
											mixed		
Race: white, Negro, other		W	N	O	W	N	O	W	N	O	W	N	O
											mixed		
Age	0-10 Child												
	10-18 Yg person												
	18-25 Yg adult												
	25-45 Adult												
	45-60 Middle-aged												
	60+ Old person												
Degree of force used against offender [Check as many as necessary]	gross force												
	firm handling												
	allowed freedom												
Behavior of police [Check as many as necessary]	were nasty or ridiculed												
	moralized												
	business-like and impersonal												
	friendly												
Behavior of offender	violent, aggressive												
	disgruntled, sullen												
	passive, unexpressive												
	cooperative												
Verbal behavior of offender	insulting, explosive												
	argued												
	passive, quiet												
	good-natured, jovial												

38. (continued)

	#1	#2	#3	others
Was he arrested?	No / Yes	No / Yes	No / Yes	No / Yes
Was he arrested on suspicion or investigation?	No / Yes	No / Yes	No / Yes	No / Yes
Specify the nature of the charge:	Inapp.	Inapp.	Inapp.	Inapp.

39. Was it made clear to the person(s) whether he <u>was</u> or <u>was not</u> under arrest?

___1. Yes ___2. No ___9. Don't know

40. Was anyone arrested, or arrested on suspicion or investigation?

___1. Yes ___2. No [Go to Item #41]

If "yes", specify for more than one person if necessary.

a. Who made the decision to arrest?

___1. patrolman who picked him up
___2. an officer at the station [Specify his rank: _____]
___9. don't know

b. At what point was he notified that he was under arrest?

___1. at setting [Specify how long after encounter began; _____]
___2. on the way to the station
___3. at the station [Specify how long after arriving: _____]

c. How much time passed between the point when he was apprehended by the police and the time he was booked at the station?

Specify in minutes _____

d. How much time passed at the station before he was booked?

Specify in minutes _____

e. Other relevant information on the arrest: _____

41. How was the decision made to take offender(s) to the station?

___1. call to station or other police agency
___2. another officer on the scene
___3. officer's own decision
___9. don't know

42. Specify the number of offenders who were observed receiving the following:

a. interrogation _____
b. fingerprinting _____
c. booking _____
d. incarceration _____
e. referral to youth or women's division _____
f. rough physical handling _____
g. Specify any other processing or relevant events that were observed at the station: _____

43. Was any kind of log entry or memo made by police after the encounter?

___1. Yes ___2. No ___9. Don't know

If "yes"

a. Specify how situation was characterized: _____

b. Does observer <u>disagree</u> with that characterization?

___1. Yes ___2. No

If "yes", specify the discrepancy: _____

44. What was the general state of the citizen(s) when the police were leaving?

a. <u>Complainant/complainant group</u> <u>Victim/victim group</u>	b. <u>Offender/offender group</u>
___1. very grateful	___1. very grateful
___2. satisfied	___2. satisfied
___3. indifferent	___3. indifferent
___4. a little dissatisfied	___4. frightened
___5. very dissatisfied	___5. a little unhappy
___9. don't know	___6. very unhappy
___0. inapplicable	___9. don't know
	___0. inapplicable

c. Elaborate if necessary: _____

45. If the police verbally characterized the situation after its termination, specify: _____

46. Did officer informally specify any actions he wanted to take or should have been able to take but which he saw as prohibited or improper?

___1. Yes ___2. No ___0. Inapplicable

If "yes", specify in detail: _____

47. If police characterized any of the persons who took part in the encounter, specify and identify persons by the roles they played in the situation (complainant, victim, etc.):

a. in terms of police informal categories, e.g., "He's a regular" _____

b. in terms of racial stereotypes _____

c. in terms of social class stereotypes _____

d. in terms of other social categories or identities _____

48. Write out any other information about the situation or what was said about it that might aid in its overall portrayal: _____

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